Patrick Henry

Life, Correspondence, and Speeches

PATRICK HENRY

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LIFE, CORRESPONDENCE AND SPEECHES

BY

WILLIAM WIRT HENRY

WITH PORTRAIT

VOLUME III.

HARRISONBURG, VIRGINIA
SPRINKLE PUBLICATIONS
1993

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Sprinkle Publications
P.O. Box 1094
Harrisonburg, Virginia 22801

CORRESPONDENCE.

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Patrick Henry to Edmund Pendleton.

HAMPTON, Dec^{r} 19th, 1775, 8 O'clock, P.M.

SIR: I arrived here last night & found the Troops in tolerable good condition. The Inhabitants are pretty quiet. But from the small Distance that separates them from the Enemy, the officers think it necessary for the Troops to perform Duty that is very severe.

Understanding that a large Ship & Sloop were in the Bay ab^{t} 15 Miles below, I thought it advisable to order out a party of Soldiers to make Discovery, & bring them in if possible.

Cap^{t} Barron accordingly set out with 20 men in a swift sailing Vessel & has bro^{t} in a Sloop from Turks Island having on board 900 Bushels Salt, a peice or two of Popn^{s} & Irish Linens, & a few other articles. The Sloop is just now bro^{t} within the Bar, & her Cargo waits the Disposition of the Convention. The Ship is very suspicious. I can't form a probable guess whether she is a friend or a Foe. I shall order out another party very early in the morning to attempt something with her.

Cap^{t} James Barron, who is so kind as to be the Bearer of this, will hand you a large Bag of Letters which seem to have been concealed by Cap^{t} Harris, & kept back when the former papers bro^{t} by him were discovered. A small parcel of Goods are found on him which I judge belong to Sprowle of Norfolk, agreeable to an Invoice among Harris's first Letters, & very probably some of these may ascertain the Matter.

Inclosed are sundry papers relative to the Sloop Agatha

now detained here. I should be exceedingly glad if the Convention would please to determine what is to be done with the several Vessels now in this port. The near Neighbourhood of the Enemy makes it almost certain, that every one of them that go out from hence will fall into their Hands.

I perceive Sir, from the situation of things here, that a pilot Boat is indispensably necessary for the Safety of this place, & the furtherance of the Service. I have therefore, from the Necessity of the Case, order'd Latimer's Boat into the Service.

If the Convention disapprove of it I shall give orders for her discharge. With sentiments of the purest Regard & Devotion, I beg you to lay me before the Convention, & be assured that I am proud of having the Honor to be

Sir,

Y^r^ mo. ob^t^ & very h'ble Ser^t^,

P. HENRY, JR.

The HONBLE EDM^D^ PENDLETON, Esq^r^.,
President of the Convention.

Patrick Henry to Edmund Pendleton.

WILLIAMSBURG, Dec^r^ 28. 1775.

SIR: I have the pleasure to inform you, that an Express from Col^o^. Ellet at Hampton brings the agreeable News, that we have taken a Vessel of the Gov^t^. bound to the Eastern shore for provisions, commanded by Cap^t^. Collett & manned with 16 Negroes. Another Vessel of the same sort was Yesterday pursued by our people, & little doubt remained of taking her also. A third Vessel with 2,400 Bushels Salt is also taken, but not quite bro^t^. into the Harbor, the Tide falling.

The Captives inform Col^o^ Ellet, the Liverpool is, as I'm inform'd, laden with Guns, but the Brig with military stores. Both together have 400 men, & have been 3 months & 3 days at Sea.

The Enemy Exult greatly on their Arrival, & threaten Vengeance ag^{t} that Neighbourhood, Hampton &c. The Salt is said to be M^{c}Alester & Brown's at Norfolk. Col^{o} Ellet, notwithstanding I know his Zeal & Activity, finds himself greatly at a Loss to secure the Salt, & at the same Time keep up the necessary Duty by Land & Water. He thinks more men wanting there. I am of his opinion. The Col^{o} also thinks it best to send up the prisoners, all hands there being busy.

Collett the Cap^{t}, who is from every Circumstance a great Villian, is closely confin'd & seems a dangerous person. He says 57 men only were killed, wounded & taken at great Bridge.

You have now Sir, the whole of the Intellegence I'm favour'd with. Any Comands you may please to have shall be instantly comply'd with. An indisposition prevents my waiting on you in person. I have the Honor to be

Sir,

Y^{r} mo. ob^{t} Ser^{t},

P. Henry, Jr.

P. S.—I hope the Vessel I order'd into the Service may be order'd to continue, she being found so successfull. I beg a line for that purpose.

To Edm^{d} Pendleton, Esq^{r}.,
President of the Convention.

General Charles Lee to Patrick Henry.

Charlestown, July 29, 1776.

Dear Sir: I used to regret not being thrown into the world in the third or fourth century of the *Romans*, but I am now thouroughly reconciled to my lot. The reveries which have frequently, for a while, served to tickle my imagination (but which, when awakened from my trance as constantly I considered as mere golden castles built in the air,) at length bid fair for being realized. We shall now, most probably, see a mighty empire established of free-

men, whose honour, property, and military glories, are not to be at the disposal of a sceptered tyrant, nor their consciences to be fettered by a proud, domineering hierarchy. Every faculty of the soul will be now put in motion; no merit can lie latent; the highest offices of the State, both civil and military, will now be obtained, without Court favour, or the rascally talents of servility and observance by which Court favour could alone be acquired. Sense, valour, and industry, will conduct us to the goal; every spark of ability which every individual possesses will now be brought forth, and form the common aggregate for the advantage and honour of the community. The operations of war will be directed by men qualified for war, and carried on with that energy natural to a young people. True unartized knowledge, unsophisticated learning, simple genuine eloquence and poetry, will be carried to the highest degree of perfection. This, to many, I am sensible would appear rant, but to you, who, I think have congenial feelings with my own, it needs no apology. However, I shall now endeavour to deliver myself more like a man of this world. I most sincerely congratulate your country on having citizens deserving of the high honor to which you are exalted; for the being elected to the first Magistracy of a free people is certainly the pinnacle of human glory; and I am persuaded that they could not have made a happier choice. Will you excuse me? but I am myself so extremely democratical, that I think it a fault in your Constitution that the Governor should be eligible for three years successively. It appears to me that a government of three years may furnish an opportunity of acquiring a very dangerous influence. But this is not the worst; Tacitus says, *Plura peccantur dum demeremur quam dum offendimus.* A man who is fond of office, and has his eye upon re-election, will be courting favour and popularity, at the expense of his duty. He will give way to the popular humors of the day, let them be ever so pernicious. In short, his administration will be relaxed in general, or partial to those whom he conceives to have the greatest interest; whereas, were all hopes of re-

election precluded till after the intervention of a certain number of years, he would endeavour to illustrate the year of his government by a strict, rigorous, and manly performance of his duty. These notions may, perhaps, be weak and foolish ; but such as they are, I am sure you will excuse my uttering them.

There is a barbarism crept in among us that extremely shocks me ; I mean those tinsel epithets with which (I come in for my share) we are so beplaistered. *His Excellency*, and *His Honour ;* the *Honourable President of the Honourable Congress*, or the *Honourable Convention*. This fulsome nauseating cant, may be well enough adapted to barbarous Monarchies, or to gratify the adulterated pride of the *magnifici* in pompous Aristocracies; but in a great, free, manly Commonwealth, it is quite abominable; for my own part, I would as lief they would put ratsbane in my mouth, as the Excellency with which I am daily crammed. How much more true dignity was there in the simplicity of address amongst the *Romans: Marcus Tullius Cicero, Decemo Bruto Imperatori*, or *Caio Marcello Consuli*, than to *His Excellency Major General Noodle*, or to the *Honourable John Doodle*. My objections are, perhaps, trivial and whimsical, but for my soul I cannot help stating them. If, therefore, I should sometimes address a letter to you without the Excellency tacked on, you must not esteem it a mark of personal or official disrespect, but the reverse.

The discontent of the troops, which you mention as arising from the want of regular payment, might have been remedied by General Lewis; his warrant is undoubtedly sufficient for the Paymaster; however, I have written to that gentleman on this subject, and am in hopes that affairs for the future will be more satisfactorily conducted. An old rice-boat, which we converted the other day into a row-battery, has made a considerable prize—no less than a brig with a whole company of the Royal Highland Emigrants on board, consisting of two officers and fifty men. Although they saw they were inevitably our prize, they had the impudence to throw their arms overboard, for which they ought

to have had their ears cut off, as it was contrary to all rules of war.

I send you enclosed the state of the enemy's Navy. I think there is no doubt of their Army having steered their course northward. On this presumption I shall direct my course toward Virginia, but first must assist to regulate the military affairs of this Province in the best manner I can, though, in fact, that will be doing little. The inconvenience of this complex play we are acting, of Duke and no Duke, are numberless and great. The President is thought by some to be the real commander; I am thought so by others; in short, there must be no troops but Continental. The Council is at present employed in settling a more regular post. We have received none these eighteen days; for my own part, I conclude the mail has been intercepted and carried on board a man of war. Seven tons and a half of powder were safely landed four days ago at Georgetown.

Adieu, dear sir, and believe me to be, most entirely and sincerely, yours,

CHARLES LEE.

His Excellencey P. HENRY, Jun.,
Governor of Virginia.

Richard Henry Lee to Patrick Henry.

BELLE VIEW, 20th August, 1776.

DEAR SIR: I am thus far on my way to Congress, having been sometime detained by the slowness of the Workman that made my Carriage wheels, the old being quite shattered and useless. I have learned with much pleasure that a recovery of health promises you speedy return to public business, and I heartily wish the latter may be benefited, as it will be, by your uninterrupted enjoyment of the former.

I have been informed of two things, which if true, I think we may benefit from. These are, that the ships of war have all left our bay, and that plenty of salt is stored in the Islands of Bermuda. Would it not be proper to fall upon

some method of giving the Bermudians speedy notice how things are circumstanced here, that they may embrace the opportunity of supplying us with that useful article. The present rainy season, will, I fear, disappoint the wise measures of the convention for making salt. But at all events our manufactured salt will be too late for many purposes, which a quick supply from Bermuda would effectually save. Among these, the curing of grass beef and early pork for the army are important objects. But should our Works fail, I fear most extensive and powerful convulsions will arise from the want of salt, to prevent which, no precautions, I think should be omitted. Our enemies appear to be collecting their whole force at New York (except what goes to Canada) with design, no doubt, to make a last and powerful effort there. Our numbers, it seems, increase with theirs, so that I hope we shall be able to parry every thrust the Tyrant can make.

I learn from Maryland that the counties have excluded from their new Convention, all those that have been famous for Moderation, as it is strangely called, and under this idea, that Johnson, Gouldsborough, Stone, and Tilghman are left out, with the new delegates to Congress, Alexander and Rodgers.

I hope to have the pleasure of hearing from you at Philadelphia. I mean exclusive of public writing—and in the mean time assure you that I am with much esteem and regard, dear sir, your affectionate friend and obedient servant,

RICHARD HENRY LEE.

His Excellency, P. HENRY, JR.

P.S.—Be so kind as to contrive the inclosed to our friend, I do not know rightly where he is, so you will please finish the direction.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, 15th Sept., 1776.

DEAR SIR: I am happy to hear of your returning health and hope you will long enjoy it. We still continue here in anxious suspense about the event of things at N. York. Since the removal of our troops from Long Island nothing of consequence hath happened, but the enemy show by their motions a design to land their army above ours, on the tongue of land upon which stands the city of N. York. Their design being foreseen, I hope it may be prevented, if the large frequent desertions of the militia do not weaken us too much. The enemies' force is very considerable, it being by the best accounts about 24,000 men, besides their Canada army which is about 7,000, opposed by 13,000 of our people under the command of Gen. Gates, who with a superior marine force on lake Champlain, appears not to be apprehensive of injury from that quarter this campaign. Lord Howe's great powers to do us good have lately been bared to public view, as you will see by the Congress publication of a conversation between his Lordship and a commitee of their body lately on Staten Island. The tories are almost driven out of their last holds, but still they say "Lord Howe could not be expected to produce his powers, when such strong independents as Franklin & Adams were sent to him." These men will not be right, tho' one should rise from the dead to set them so. The conduct of the militia has been so insufferably bad, that we find it impossible to support the war by their means, and therefore a powerful army of regular troops must be obtained, or all will be lost. It seems to be the opinion that each State should furnish a number of Batallions proportionate to its strength, appoint all the officers from the Colonel downwards, and the whole be paid by the Continent. Letters from Bourdeaux the last of June, inform us of the greatest preperation for war in France and Spain. From the French W. Indies we have the same accounts, and the strongest

assurance and acts of friendship imaginable shown to N. America. I verily believe that all the submission, art and management of G. Britain cannot much longer prevent a war with France. When we consider the water accessibility of our country, it is most clear that no defence can avail us so much as a Marine one—and of all sea force practicable to us, that of Gallies is the cheapest and the best. I wish therefore most earnestly that my Countrymen, at their next meeting of General Assembly, may early direct the immediate building of 10 or 12 large sea Gallies, upon the plan of these large ones now building here by Congress, to carry two 32 pounders in the bow, two in the stern, and 10 six pounders on the sides, to row with 40 oars, and be manned with an hundred men. These placed between the Middle ground and Cape Charles, near to a fine harbour in the Eastern shore, will secure our Bay against everything but line of battle ships, keep open our trade, and secure our shores better than 50,000 men. An able Builder here advises them to be ship-rigged. Besides the great security these Vessels will yield, they will be a fine nursery for seamen so much wanted by us. If the forge and foundry on James River be well attended to, we may easily and quickly be furnished with plenty of Cannon. I pray you, sir, to consider this matter, for I am sure if it be viewed in the light that I think it may be seen in, the plan will be adopted, and pushed with vigor into execution. At present, two or three Sloops of war can stop up our Bay, harrass our shores, and greatly distress our country, when with the Gallies I have described, it would not be safe for twice as many line of battle ships to attempt it, and utterly impossible for smaller vessels to effect it.

The committee that waited on L. Howe have not returned their written report, and therefore it is not yet published, but the verbal report was, substantially, that his Lordship had no power at all but to grant pardon and prosecute the war.

I am, with much esteem, dear Sir, your affectionate and obedient Servant,

RICHARD HENRY LEE

His Excellency, PATRICK HENRY, JR.

George Washington to Patrick Henry.

HIGHTS OF HARRLEM, 5, October, 1776.

DEAR SIR: Your obliging favor of the 20th ultimo came duly to hand, and demands my best acknowledgments. I congratulate you, Sir, most cordially, upon your appointment to the government, and, with no less sincerity, on your late recovery. Your correspondence will confer honor and satisfaction; and, whenever it is in my power, I shall write to you with pleasure. Our retreat from Long Island, under our peculiar circumstances, became an act of prudence and necessity, and the evacuation of New York was a consequence resulting from the other. Indeed, after we discovered that the enemy, instead of making an attack upon the city, were endeavoring, by means of their ships and superior land force, either to intercept our retreat, by getting in our rear, or else by landing their forces between our divisions at King's bridge and those in the town, to separate the one from the other, it became a matter of the last importance to alter the disposition of the army. These measures, however, although of the most evident utility, have been productive of some inconveniences, the troops having become in some measure dispirited by these successive retreats, which, I presume, has also been the case among several of our friends in the country. In order to recover that military ardor, which is of the utmost moment to an army, almost immediately on my arrival at this place I formed a design of cutting off some of the enemy's light troops, who, encouraged by their successes, had advanced to the extremity of the high ground opposite to our present encampment. To effect this salutary purpose, Colonel Knowlton and Major Leitch were detatched with parties of riflemen and rangers to get in their rear, while a disposition was made as if to attack them in front. By some unhappy mistake, the fire was commenced from that quarter rather on their flank than in their rear; by which means, though the enemy were defeated and pushed off the ground, yet

they had an opportunity of retreating to their main body. This piece of success, though it tended greatly to inspire our troops with confidence, has been in some measure embittered by the loss of those two brave officers, who are dead of the wounds they received in the action. Since this skirmish, excepting the affair at Montresor's Island, where Major Henley, another of our best officers, was slain, there has been nothing of any material consequence. Indeed, the advantage obtained over the enemy's light troops might have been improved, perhaps to a considerable extent, had we been in a proper situation to make use of this favorable crisis; but a want of confidence in the generality of the troops, has prevented me from availing myself of that, and almost every other opportunity which has presented itself.

I own my fears, that this must ever be the case, when our dependence is placed on men inlisted for a few months, commanded by such officers as party or accident may have furnished; and on militia, who, as soon as they are fairly fixed in the camp, are impatient to return to their own homes; and who, from an utter disregard of all discipline and restraint among themselves, are too apt to infuse the like spirit into others. The evils of short enlistments and of employing militia to oppose regular and well appointed troops, I strongly urged to Congress before the last army was engaged. Indeed my own situation at Cambridge, about the close of the last campaign, furnished the most striking example of the fatal tendency of such measures. I then clearly foresaw, that such an armament, as we had good reason to expect would be sent against us, could be opposed only by troops enlisted during the war, and where every action would add to their experience and improvement, and of whom, if they were unsuccessful in the beginning, a reasonable hope might be entertained, that in time they would become as well acquainted with their business as their enemies. This method I am convinced, would have been attended with every good consequence; for, besides the militia being altogether unfit for the service when called into the field, they are much more expensive than any other

kind of troops; and the war could have been conducted on more moderate terms, by establishing a permanent body of forces, who were equal to every contingency, than by calling in the militia on imminent and pressing occasions.

I would not wish to influence your judgment with respect to militia in the management of Indian affairs, as I am fully persuaded that the inhabitants of the frontier counties in your colony are, from inclination as well as ability, peculiarly adapted to that kind of warfare. At the same time, I should think it would be highly advisable, in case you should conceive yourselves to be in danger from any detachment from the British army, or from their marines, not to depend on any troops, but such as are well officered and enlisted to serve during the war.

I make no doubt, but your State has turned its views towards forming some obstacles against the enemy's ships and tenders, which may go up your rivers in quest of provisions, or for the purpose of destroying your towns. If you have depended on batteries to prevent them without any other obstruction, a trial of the matter has taught us to believe, that it will be altogether ineffectual; as, when under sail, with wind and tide in their favor, any damage they might receive from a battery will be of very little consequence. At the same time I must observe, that this kind of opposition is exceedingly proper for the defence of a town, or in any case, where it is necessary that the ships should come to anchor before the batteries, for the purpose of silencing them. In the first instant, I would strongly recommend row galleys, which, if officered with brave and determined men, and conducted with prudence, would, in my opinion, be productive of the greatest advantage, and be the most likely means, in your situation, of securing your towns and houses on navigable waters from any impression from the shipping.

I imagine, before this, Congress have made you acquainted with their resolutions for raising the new army, and that your colony is to furnish fifteen battalions to be enlisted during the war. As this will occasion the choosing a number of new officers, I would, in the most urgent manner,

recommend the utmost care and circumspection in your appointments. I do not suppose that there are many experienced gentlemen now left with you, as, from what I have understood, those who have served in the last war are chiefly promoted. However, I am satisfied that the military spirit runs so high in your colony, and the number of applicants will be so considerable, that a very proper choice may be made. Indeed, the army being put upon such a permanent footing will be a strong inducement for them to step forth on the present interesting occasion. One circumstance, in this important business, ought to be cautiously guarded against, and that is, the soldiers and officers being too nearly on a level. Discipline and subordination add life and vigor to military movements. The person commanded yields but a reluctant obedience to those, who he conceives are undeservedly made his superiors. The degrees of rank are frequently transferred from civil life into the departments of the army. The true criterion to judge by, when past services do not enter into the competition, is, to consider whether the candidate for office has a just pretension to the character of a gentleman, a proper sense of honor, and some reputation to lose.

Perhaps, sir, you may be surprised at my pressing this advice so strongly as I have done in this letter; but I have felt the inconveniences resulting from a contrary principle in so sensible a manner, and this army has been so greatly enfeebled by a different line of conduct, that I hope you will readily excuse me. I am, sir, with sincere regard, your affectionate humble servant,

GEO. WASHINGTON.

His Excellency, PATRICK HENRY, JR.

Colonel William Christian to Patrick Henry.

SIX MILE CAMP, October the 6th, 1776.

HONOURABLE SIR: I have advanced six miles from Fort Patrick Henry, which Lieutenant Colonel Russell has called the Fort at the great Island. I will enclose you herewith a

return of the Army with me; besides which about 100 men are left at the Fort to Guard the Stores there. Lieutenant Colo. Morgan of Colo. Lewis's Battalion, is on his March with about 140 men, officers included, but I doubt is too far behind to have any probability of overtaking me.

I came to the Island on the 21 of September, since which time several parties of the Enemy have been about us; they killed one Soldier and one of the Countrymen near the Island, and took another prisoner, who escaped the second night after he was taken, but was not able to give me any information, more than that the party were 12 in number, and making homewards. Several of the country people have been also fired upon, and some wounded, since I came to Holston. The Enemy generally fire from behind Logs and bushes, and seldom at a greater distance than eight or ten steps; last Tuesday three of them fired upon two men and broke one of their arms, but they got away. Nothing has been done Since.

I have no intelligence from Brigadier Rutherford since his letter of the 27th. of August. I will enclose you both his letters, and my answer to his first. The last I have not answered. If he is an enterprising man he may finish the Campaign before I get to the Indian Towns. The difficulty of marching from the valley Towns to the overhills is not half so great as from Green Bryer to Point Pleasant.

I shall march in less than an hour, and take with me 30 days flour and seventy days Beef. I hope to cross Broad river the 15th. instant, where it is most likely I shall be attacked or meet with proposals of peace. The men who have fled from the Towns say that the Indians will surely fight desperately; which they promised Stewart, the King's superintendent, to do; and Camron, his deputy who remains amongst them, is daily encouraging them to defend their country against a parcel of Rebels. I Heartily wish that they may first attack me; and it is the wish of the Army. Camron, being an artful man, may invent measures to delay our March, if the Indians will execute them with dexterity, but still I have no doubt of returning to the Island in five

weeks from this time; six at the farthest. Yesterday I sent four of my scouts to the Towns to endeavour to take a Prisoner, that I may know what the Enemy are doing, but the attempt being new, and the probability of meeting some of them before they can reach the Towns so great, that I have but little hopes of success. I have promised the four men £100, if they succeed. I have also sent another party of scouts about Eighty miles from here, and within fifty miles of the Towns, to watch the path. If anything new occurs at Broad river I shall send you an Express as speedily as possible. If I am attacked there and my March delayed, I must send back to the Island for more Flour.

Mr. Madison, the Commissary in Chief, will write you fully about the Provisions, so that I will not trouble you and the Hon'ble the Council on that head.

The people on Holston and Clinch, from ten miles above Stalnakers downwards, are in Forts, the number of souls contained in them, I am told, amounts to more than 3000; their distress is very great. I called at such as are upon the mainroad, and found many in want of provisions, great numbers sick, and heard of many that had died; occasioned I supposed by their close confinement, and being too much crowded together. I ventured to direct that a few loads of Flour should be distributed amongst the Wives and Widow mothers of those men who are with me, and gave orders to the Commissary to keep an account thereof, that the men may be called upon to pay for it, or such other steps taken therein as your Excellency and the Hon'ble Council shall please to direct. In all Probability there will be more Flour than I shall want for the Expedition. It might prevent great distress, if your Excellency and the Hon'ble Council would allow some of it to be sold to such of the Inhabitants as have lost their crops by the War. Lieut Colo. Russell who was much disappointed, especially in the County of Fincastle, about getting the three hundred men ordered by the Convention, took into the service a great part of the men in the Forts; that step, and that alone, prevented the people from starving or quitting

the country altogether. I should have written your Excellency several times since I wrote to his honour the President, but I really did not know well what to say; I could not, until within a week past, speak with such certainty as I wished to do.

I am, Sir, your most obedient, Humble Servant,

WILLIAM CHRISTIAN.

To His Excellency, PATRICK HENRY, Esq.,
Governor of Virginia.

Patrick Henry to the Speaker of the House of Delegates.

IN COUNCIL, October 9th, 1776.

HON^ble^ SIR: The Schooner, Polly, having arrived from Bermuda with a Cargo, the Particulars of which will appear from the Invoices inclosed; and, the Master, Cap^t^. Bascome, being desirous of obtaining Permission to dispose of the same within this State; I am advised by the Council to lay the Case before you, for the Direction of the Hon^ble^ General Assembly. I am to inform you, Sir, that this is the same Vessel which cleared out for Hispaniola the 25th of July last, in Relation to which the Proceedings of the Council are herewith sent.

Altho', Sir, the Board are of Opinion that it would be highly beneficial to indulge the freest Trade with all Countries, and in the particular Instance before them wish to be empowered to grant the Permission asked for, the original Object of the Association having, in their Opinion, vanished ever since the Declaration of Independence, yet as that Association has never been formally abolished, it is requested that the General Assembly would be pleased to instruct the Board, for their Conduct in this Affair, & other similar Instances.

I also send you an Order of Council respecting the Disposition of Cap^t^. Michael Bowyer's Company of Regulars, which you will also be pleased to communicate to the Assembly. It may be necessary to add, that since the Date

of that Order, I have received Information from Gentlemen, well acquainted with the Frontiers, that that Company might be much better employed at Point Pleasant, now Fort Randolph, in strengthening the Garrison there.

I have the Honor to be

Sir, y^r^ mo. ob^t^. & very h'ble. ser^t^.,

P. HENRY, JR.

To The Hon^ble^ THE SPEAKER OF THE HOUSE OF DELEGATES.

Patrick Henry to the Virginia Delegates in Congress.

IN COUNCIL, WMSBURG, Oct^r^. 11^th^, 1776.

HON^BLE^ GENTLEMEN: Having this moment received from Mr. Calloway, Manager of the Lead-mines, a Return of what Lead he has on hand, & the Post being just ready to set out, I have only Time to inform you, that there are now Ten Tons of Lead, which are ready to be delivered for the use of the Continental army—The Quantity would have been greater, if there had not been lately a considerable Demand for supplying our Army sent on the Indian Expedition. By Christmas, or perhaps sooner, we may be able to spare as much more.

I should be glad to be informed in what Manner you would chuse to have it conveyed—If waggons come from Philadelphia, Mr. Calloway will have orders to load them; but as this Country is obliged to make great Remittances to Pennsylvania for goods supplied from thence, & at a Price far beyond what such Goods have usually borne, it is reasonable that we should embrace every opportunity of enabling ourselves to bear so heavy a Burden. If, therefore, I should give orders to send the Lead by Waggons belonging to this Country, I should be glad to have Instructions where and to whom they are to deliver their Loads.

I am, Gentlemen,

Your most obedient & very h'ble Serv^t^.

P.. HENRY J^R^.

Colonel William Christian to Patrick Henry.

BANK OF BROAD RIVER, October the 14, 1776.

HONBLE SIR: I am now encamped with the Army on the Bank of Broad river next to the Cherokee Nation. On the 12*th.* in the evening just before I was about to Encamp, a white man with a Flag met me about five miles from the river. He said that the Nation desired peace, and that the Raven Warrior of Chote in particular had sent him to desire he might speak to me, & that he did not doubt but that we should agree, in case I would treat upon reasonable terms. He told me more over that the advanced parties were at my present Camp, & that the whole strength of the Nation were expected here that evening, in order to Oppose my crossing, which was easily to be done at this Fording without great loss. Yesterday, about twelve o'clock, I Came to & formed my Camp on the other side, from whence it was discovered there were Indians here. I sent up & down the river to search for fordings, one was discovered above by our men seeing four Indians pass over, & below a place unfrequented was found which it was supposed could be crossed at. Ten o'clock at Night I set off with betwixt ten and eleven hundred men, 200 of them mounted on Horses, and by one o'clock in the morning got over with much danger & difficulty; the river being so deep & rapid that None of the men could wade, the night was so very dark I was obliged frequently to make lights, the river about half a mile, counting the several windings we were obliged to make; About an hour before day I marched within a mile of this spot, where I expected the enemy were, and at Sunrise surrounded the place; but found no enemy. Upon this I ordered the remaining part of the Army, with the Provisions & Baggage, to be brought over, which is now effected.

At twelve o'clock the three men mentioned in my former letter returned, without a Prisoner, but with intelligence (but the manner of getting it I must not now mention,

least this may be miscarried,) that the whole Force of the Nation is now near me, with a determined resolution to attack me, and to Skirmish at me from here to the Towns; aiming to destroy the Cattle & Horses, and in Obedience to Stewart's orders (now at Mobille) never to make Peace, to Fight & retreat on. It appears also that the Flag was disapproved of by most of the Towns, except three under the influence of the Raven; that he, his Brother, & Capt. Gist were here, when the white man was sent to me with the flag. I forgot above to mention my Answer to the Raven's message, it was: How can he send to me for peace before he has delivered up Camron, that enemy to white & red people. How can the Nation think of Asking peace of me when they retain our Prisoners; How can they ask a peace when they have the assurance to assemble their men to Fight me, if they should dislike my terms. That I would cross the river, and that I would Proceed to the Towns. That mercy & Bravery were Characteristick of the States of America; And that I should Distinguish betwixt those Towns who had behaved well towards us, & others who had not done so. They have not sent to me Since; but It seems more than Probable that by the Proposals, although really the sentiments of three Towns, the majority hoped to take me unguarded while a Treaty was on Foot. Six Indians were seen this day, one Six miles down the river where I crossed last Night, & four within half a mile of this Camp. I shall look for an attack to morrow: However I Judge the enemy will be vexed & disconcerted at finding me here to-day. It will I dare say take me four or five days to reach the Towns, as I must march slow & always in order. It is reported in the Towns that Stewart is sending 800 Creeks, who are to be there in a few days. However, be as it may, I shall Proceed, & endeavour to have matters settled before I return. General Rutherferd has returned to the Seneka Towns, some where about Keowee, after laying waste the Valley. One of my accounts say, that he has sent a woman Prisoner with

Proposals of Peace. Another says, He has not. This is all I can hear: But I believe it to be certain he has returned. Perhaps Another Flag may come, as the Indians say we travel as fast as they & seem very impudent. They attended me all the way from the Island, but seldom came nearer than to hear the Tapping of the Drums; which was pretty constant, in order to keep the several lines in Order. It is now evening, & I intend to march to morrow by ten o'Clock if possible; Should Anything new occur before then I will add it.

I am Sir Your Most Obed. Servt.

WM. CHRISTIAN.

To His Excellency Gov^{r} HENRY.

Capt. James McCall of South Carolina, who was taken Prisoner the first day of July last by the Cherokees, is now with me, and a brave man. He had a wife and five children, and wishes it to be published in the Gazette that he is here and well. By this means it will get into the Carolina Paper and reach his family.

Colonel Charles Lewis to Patrick Henry.

CAMP ON FRENCH BROAD RIVER, Oct. 14th, 1776.

MAY IT PLEASE YOUR EXCELLENCY: Yesterday about noon our whole army arrived at the river, but from the accounts Col. Christian received from one Harland, a white man whom the Indians sent with a flag of truce, he did not think it prudent to attempt crossing in the day. Harland told us that there were about 7 or 800 Indians lying on the opposite bank of the river, and that he overtook several parties of them as he came from their towns, on their way to the river. About 8 O clock at night Col. Christian took about 1100 men with him, and marched down the river about 4 miles to a ford the spies had discovered, though there was no appearence of its ever being used; crossed safe with all the men, and after a most surprising march through the woods, ar-

rived at the place the Indians were said to be at, before sunrise. But instead of a general engagement, as was expected, the bank of the river was found clear, and no sign of more than three or four Indians. Upon which the Col°. ordered the rest of the army to cross, which was done to-day, and the whole encamped in good order. From the accounts Col. Christian received to-day, from three men he had sent to the Cherokee Towns, we have the greatest reason to expect an attack in a day or too. Our men are in high spirits, and really wish for an attack, that they may have it in their power to chastise the cruel villains.

I am sorry to tell your Excellency, that from sickness and death, I have not been able to bring but a little more than 300 men of the 2d Battalion on this important expedition. The men being so very sickly while they were in the service below, gave the people of the counties that composed the battalion, such a distaste to the minute service, that a very few new recruits could be raised by the officers. But the deficiency has been amply made up, by the activity and good conduct of Col. Christian in raising the men in the back counties.

I am your Excellency's most Obedient hum^{l}. serv^{t}.

CHARLES LEWIS.

His Excellency PATRICK HENRY, Esq.,
Governor in Chief of the Commonwealth of Virginia.

Colonel William Christian to Patrick Henry.

BANK OF BROAD RIVER, Octr. 15th, 1776.

HON'BLE SIR: I wrote to you yesterday evening what news I then had. It is now little after sunrise and I am preparing to march. About an hour after dark last night, Captain Gist came in with a flag from the Raven Warriour, to intercede for Chote. He seems to doubt my other intelligence, that the whole force was to fight me. He says that from the answer I gave the first flag that the Raven had hopes, and had turned all he had influence over, as the

enemies' forces were encamped about four miles from here; that when his party drew off the others followed, and that yesterday morning great numbers were moving off their families and corn. He says that Camron offered a great reward for his head and the man who brought the first Flag. That he advises the Indians to burn their Towns and Corn, because they must then depend on him for ammunition to get meat and by that means to continue the war. He says that one thousand of the Carolina Side Indians are over this side. He says that Camron will try to assemble them all somewhere about Highwassey, and to defend that place, or to bring them to fight. I intend to speak to some of the warriours to catch him, if possible. He says there are several small parties about us who will do what harm they can, but that no general battle will be fought except when I cross the Tenesee; or towards Highwassey, if I follow there. He says that the whole people of the valley and lower settlements have come over and quit that country. That their loss of men was very inconsiderable. I judge the flag was only an excuse for him to get with me. I believe he is sorry for what he has done. I did intend to have him put in Irons, but the manner of his coming I believe will prevent me. The officers tell me that the camp is in great confusion about him, some think there are many favourable circumstances attending him, and many for killing him, of the last the greatest part. I spoke but little to him, and dont know whether he wants to go back or not. He says that the Creeks are expected soon.

I believe I shall push first for the Island Town and those who bred the war, and have thoughts of sparing Chote.

I am sir your most obedient and humble Servant,

WILLIAM CHRISTIAN.

To His Excellency PATRICK HENRY, Esq.,
Williamsburg.

Colonel William Christian to Patrick Henry.

THE ISLAND TOWN, October 23rd, 1776.

HON'BLE SIR: I crossed the Tenesee on the 18th instant, passed through the Town of Toquo, and encamped in the Town of Tomatle; on the 19th I moved from Tomatle here, after passing through the Town of Tuskeege, & a Town on Telliko river. The Island Town is about six miles from Toquo where I crossed the river, and it is the lowest on the River, except a new Town opposite to the lower end of it called Nioee. I met with no opposition in crossing the River, and found the Indians had ran off hastily; some of them had shut their doors, and some had not; they had carried off their Cloathes & best of their Household goods, but took but little provisions, the greatest part of them I Judge went off in Canoes down the Tenesee. They left Horses, Cattle, Dogs, Hogs, and Fowls. The crops of Corn and Sweet Potatoes are very great. It appears to me that in the Towns on this side of the Hills there must be between forty and fifty thousand Bushels of Corn, and ten or fifteen thousand Bushels of Potatoes. Harlin, the man who met me with the Flag at Broad river, says that every party he delivered my answer to, Turned about and run home as quick as possible; that he rode fast from Broad river to the Towns, and that some of them kept up with him on foot. That the next day after, all the people in the Towns packed up and Fled; those that did not go down the river went to the Highwassey river, where there is a Town, on the path to the Creeks; Camron employed some of the Indians to kill him and Gist for being concerned in talking of peace; but that he kept out of their way. On the 21st I sent two men towards Highwassey, and two up the river, in order to meet with some of the Indians, and tell them that as they refused to Fight, I would now Hear what the Raven and the other Chiefs had to say. The men that went towards Highwassey returned last night, and inform me that ten miles from here they met with an

old woman and two children, who had been then six days and nights in the woods, without Fire or Provisions other than Grapes and Hawes; the two men made them a Fire and gave them victuals; they then Proceeded ten miles farther, and met a young man who had lost his wife, and was then in search of her; as soon as they saw him, they called to him to come, on which he clubbed his gun and came up. His information was, that the Indians were so much afraid that they would fly before us wherever we went, that Camron had pushed off for the Creek Nation, as soon as he knew I had crossed Broad River, with only his own family and two or three of his wife's relations, one or two white men, and a young woman, daughter to one Captain Smith in South Carolina. She was taken prisoner by the Indians, and bought by Camron from them. He treats her well; she told him when it was reported I was coming, that she would run to the army as soon as she could: He answered, she must not, for the rebels would murder all without distinction. I wrote to the Raven that as he wished to speak to me, as I was now here & found His Nation would not Fight, that I was willing to hear him & the other Chiefs; that I did not come to war with Women and Children, but to Fight with men. That His people had better be upon their guard, Because If they did not comply with my terms after seeing me, that I should see them safe from my Camp, and then consider them as Enemies. Three white men, who have always been our friends, with their wives and Children, and the woman and two Children I mentioned above, are to be in my Camp this morning; they were within three miles last night. To morrow I expect the Raven, Occunastota, the Carpenter, & many others of the Chiefs; and I suppose that in three days after I can open a Treaty, or begin to destroy the Towns and pursue the Indians towards the Creeks. I know sir, that I could kill and take Hundreds of them, and starve hundreds by destroying their Corn, but it would be mostly the women and children, as the men could retreat faster than I could follow. And I am convinced that the Virg'a. State would be better pleased to hear, that

I shewed pity to the distressed and spared the suppliants, rather than that I should Commit one act of Barbarity in the destroying a whole nation of Enemies. I believe that all the old warriours and all the women in the Nation on this side of the Hills, were averse to the War; and that the rest were led on by Camron, sometimes by Bribing them, and at others by threatening them. A chief called, the Dragon Canoe, lately raised to Power, went to Mobile last spring, and came from there with Henry Stuart, and through the Chickasaws, where Gist Joined them. They brought in about Three thousand Pounds of good powder & a good deal of other presents. This Chief was the principal agent in hastening the war. I came through other Towns, without touching any thing in them, And am now destroying his. I intend to destroy some others that were under his influence, whether I make peace, or not, particularly a Town in which a man was burnt, that was taken at Wataga. It is said here that Mr. Wilkinson, the agent for South Carolina in lower Towns, has all along corresponded with Camron, & from several circumstances I believe it to be true. One McClean at Augusta Town in Georgia, it is said, has also corresponded with Camron. I find his intelligence has been pretty good. He told the Indians that the Carolina armies would be about 4,000, and the Virginia army about 2,000 men.

When the Shawnese came here with the war belt, they told these people that they meant to amuse the white people with treaties, and then fall on them when unexpected, But amongst them there was not one Chief or a man of note, nothing has been heard from them since.

When the Carpenter was at Mobille, perhaps between three weeks and a month ago, he was informed that the English men of War had taken a number of Vessells belonging to the Continental Fleet, near that place, several small vessells were brought up to the Town and shewn him as prizes. As I hope in a week more to know what is to be done, I do not send this letter by a particular Express, but by a few Drovers, who intend to move their families to Kentucky this fall; they will convey it to Botetourt, from

whence I will direct it to be sent by Express to Augusta, or Bedford to which place a post comes with the news papers.

I have now written to the commanding officer at the Great Island to let me know by express whether the Shawnese have broke out or not.

I forgot to mention in any former letters that I had left with the Lieutenant of Botetourt 200 lb Powder, with the Lieut of Fincastle 300 lb, that I had distributed some amongst the Forts on Holston, And that I had sent to the People of Harrodsburg on the head of Salt river, near Kentucky, 100 lb Powder & 176 lb lead. I sent it by Capt Harrod & Capt Benj. Logan, who came into the Inhabitans to procure some, and followed me to the Island on Holston on that account. I expect to be in Botetourt by the 20th of November, whether I treat or not, unless I am detained along the Frontiers of Fincastle and Botetourt by the Shawnese being broke out.

Mobille is an object worthy of the Publick's attention; more so than Detroit. There are great quantities of Indian goods there. I hope to gather a good deal of information respecting the American Affairs to the Southward before I go down. The report is here, that the Indians say that they thought Col. Henderson was sent by Government to buy land from them. The two members of the Convention that are with me, will get what information they can about that affair, as they expect to be at Wmsburg early in December, & reckon the Convention will not rise until Christmas, or after it.

If the people can settle in peace, I fear differences about land near the Carolina line will grow high if something is not done about it.

I think these Towns are about 60 miles from the Boundary betwixt Carolina & Virga. when extended. South Carolina formerly gave law to the white people & regulated the Indian Trade, but if No. Carolina is only one Degree wide it will take in the Tenesee here. If North Carolina can take a Degree & half, which it is said by one of its officers with me, it will have a most valuable part of the

back country. I like it better than the Virginia part on this side of Ohio.

I am Sir, Your most obedt servant,

WILLIAM CHRISTIAN.

To His Excellency Gov^r PATRICK HENRY.

Willie Jones to Patrick Henry.

HALIFAX, Oct. 25^th^, 1776.

SIR: Mr. Sharp, a gentleman of our board, who accompanied Gen^l^. Rutherford on the Expedition against the Cherokees of the Middle & Valley Settlements, having just returned, we take this opportunity of communicating to you, pr post, the Intelligence which he brings. Gen^l^. Rutherford, with his whole Force, whereof we informed You in our last, marched from the head of Catawba River on the 1^st^ of Septemb^r^, and arrived, unmolested, and undiscovered, within thirty miles of the middle settlements; from thence he ordered a Detachment of one thousand men, by forced marches, against the Towns, in order to surprise the enemy. The Detachment, on their way, were attacked by about thirty Indians, who fired, and immediately fled, having wounded one man in the foot. It is but Justice to our Troops to observe, that when they were fired on, and expected the Enemy on every side, the only Contention among them was, who should be foremost to share the Danger and the promised Fights. The Detachment without further Interruption proceeded to the Towns, which the Indians had evacuated before their arrival, and destroyed them. From hence about 900 Men, under the Command of Gen^l^ Rutherford, who had left the main body, taking ten days provision, marched on against the Valley Settlements. They found great Difficulties, & were much embarrassed, and for want of an intelligent pilot, crossed the Mountains at an unaccustomed place, by which means they were to their great Mortification, disappointed of an encounter with about 500 Indians, who were then, and had

been for several days before, lying in Ambuscade on the common crossing place. Two days after this Col°. Williamson, with the South Carolina Troops, crossing at the usual place, fell into the Ambuscade, was attacked, and lost twelve killed & twenty wounded, but defeated and put the Enemy to the Rout, with the Loss of about 14 killed. Their Loss is supposed to be much greater, but only fourteen were found upon the ground. Gen'. Rutherford destroyed the greater part of the Valley Towns, killed twelve & took nine Indians, and made prisoners seven white Men, from whom he got four Negroes, a considerable quantity of Stock and Deer Leather, about 100 wt of Gunpowder & 200 wt of Lead, to the amount of £2,500 prov. which they were conveying to Mobile. Col°. Williamson, with the So. Carolina Forces, now joined Gen'. Rutherford, & having destroyed all the Towns, the Corn and every thing which might be of Service to the Indians, it was determined by the Commanding Officers to return to their respective States, it being utterly impracticable to go against the Overhill Cherokees, the gap thro' the Mountains being impassable for an Army in case of opposition. Gen'. Rutherford's Army was Never opposed by any considerable body of Indians. He lost three men only. Mr. Sharp supposes that many of the Indians lay concealed in the Mountains, that Some had gone to the Overhills; but that the greater part had fled Southwestward, to Coosawatee River, bordering on the Upper Creeks. Should your army meet with any signal success against the Overhills, or should they only destroy their Towns & Corn, we flatter ourselves that the Southern States will suffer no farther Damage this season from the Savages, as it will employ their whole time to provide sustenance & shelter for their squaws & children. We are with the greatest Respect Sir,

Your Most obed. & Most hum'ble Servts.

By Order of Council, WILLIE JONES, *pres'dt.*

To His Excellency PATRICK HENRY, JUN.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, 3rd Dec., 1776.

DEAR SIR: The present moment is critical in the American war. The enemy have taken vigorous advantage of the space between the old and the new enlistments, and have rushed like a torrent through the Jersies, our little army of no more than 5,000 men under the command of Genl. Washington being compelled to retreat rapidly before them. The object is this city, and they were on sunday last at Brunswick, about 60 miles off in the Jersies. The Associators are at length alarmed and turning out to reinforce the General, but they move rather slower than the important stake demands. We hear that Gen. Lee has crossed North river and is following quickly after the enemy, but we are not sure that his numbers are sufficient for any thing decisive. However, if the people here have any title to the freedom they claim, Mr. Howe will not be gratified with the possession of this city. And if he gained 20 such Cities, still he would be short of gaining the point meditated over America. You remember, Sir, we told them from the beginning that we looked on our Cities and Sea Coasts as devoted to destruction, but that ample resources were still left for a numerous, brave, and free people to be content with.

Our latest accounts from the French W. Indies tell us that war between G. B. and France and Spain is inevitable, and must be immediate.

I hope our winter councils will be every where devoted solely to the purpose of carrying on a vigorous, active, and early campaign. For this purpose the recruiting officers in all quarters should be often called upon by the respective governments to know how they go on, and to urge them to quick and effectual execution of the business. Every thing, my dear Sir, depends upon the new levies being early ready. Col. Charles Harrison leaves this place to-day with 250,000 dollars under his care for the use of our forces in Virginia, and for paying the bounties. Your recommenda-

tion of this Gentleman, seconded by his real merit, has procured him the command of a regiment of artillery, to be raised in Virginia, Congress having resolved to keep the artillery and engineer's departments under immediate continental inspection. The other day we dispatched for the Head of Elk to the care of Mr. Hollingsworth there, the arms taken from our soldiers here that better might be put in their hands. They are between 7 & 8 hundred in number, and may be had from thence when you are pleased to receive them. With some repair they will do tolerably for the new levies.

I am extremely pleased to hear that you have recovered your health, may it long continue good.

I am with great regard, dear Sir,

Your most affectionate and obedient,

RICHARD HENRY LEE.

Business and alarm press so constantly that we have scarce one moment to spare.

His Excellency PATRICK HENRY, JR.

Patrick Henry to Richard Peters, Esq., at the War Office, Philadelphia.

WILLIAMSBURGH, Dec. 6, 1776.

SIR: I lost no Time in laying your Letter before our Assembly, & late last night they did resolve, that the Troops of Horse (Six) shall be marched to join General Washington. I have issued the necessary Orders this morning to the Major Comandant to prepare for the march. But before it can be begun I fear a considerable Time will elapse, owing to the Troopers being in want of many necessarys. I shall as soon as possible transmit to you an Acct of such things as cannot be had here for them, that they may be got with you. The prisoners of War are scatter'd in different places in this State, but will be collected & sent to Brunswick. I am,

Sir,

Yr mo. obt Servt,

P. HENRY JR

Patrick Henry to Richard Peters, Esq., at the War Office, Phila.

WMSBURGH, Dec^{r} 18th, 1776.

SIR: Inclosed is a List of Necessarys wanted for the Cavalry of this Commonwealth, which are order'd to Join Gen^{l} Washington agreeable to a Requisition of Congress. A few things comprised in this List have been furnished here. Perhaps 100 arms or thereabouts will be found in the Troops when they arrive with you. I have the Honor to be

Sir,

Y^{r} mo. hble Serv^{t},

P. HENRY, JR.

P.S. The Prisoners of War are not yet sent. The Operations your way may possibly induce some alterations of the former Requisitions. Please to inform me.

P. H.

[Enclosure: "List of necessarys" referred to.]

Richard Henry Lee to Patrick Henry.

BALTIMORE, December 18th, 1776.

The movements of the enemy's army in the Jerseys, by which the neighborhood of Philadelphia had become the seat of war, determined Congress to adjourn from thence to this town, where publick business will be entered on the 20 instant, unless a sufficient number of members should be assembled to begin sooner. At this place the publick business can be conducted with more deliberation and undisturbed attention, than could be the case in a city subject to perpetual alarm, and that had necessarily been made a place of arms. The propriety of this measure was strongly enforced by the continental Generals Putnam and Mifflin, who commanded in Philadelphia, and who gave it as their

opinion, that, although they did not consider the town as liable to fall into the enemy's hands but by surprise, yet that possibility rendered it improper for Congress to continue there.

So long as the American Army kept together the enemy's progress was extremely limited, but they knew and seized the opportunity of coming forward, which was occasioned by the greater part of the army dispersing in consequence of short enlistments; and this indeed was a plan early founded on hopes of accommodation, and for the greater ease of the people.

When a new Army is assembled, the enemy must again narrow their bounds, and this demonstrates the necessity of every State exerting every means to bring the new levies into the field with all possible expedition. It is the only sure means of placing America on the ground where every good man would wish to see it.

The British army is at present stationed along the Delaware from above Trenton, on the Jersey side, to Burlington, about 20 miles above Philadelphia. General Washington, with near 6000 men, is on the river side, opposite to Trenton; and the gondolas, with other armed vessels, are stationed from Philadelphia to Trenton, to prevent the passage of the Delaware. General Lee, with about 5000 men, remains on the enemy's rear, a little to the westward of their line of march through the Jerseys.

In this State, if the country associators of Pennsylvania, and from this neighborhood, reinforce the General with a few thousands, so as to enable him to press the enemy's front, it may turn out a happy circumstance that they have been encouraged to leave their ships so far behind.

We have good reason to expect a general war in Europe soon, and we have such proof of the friendship of France, as to leave little doubt of the willingness of that country to assist us.

The enclosed handbill will sufficiently instruct the Americans what treatment they are to expect from the cruel disturbers of their peace, and evince the necessity of the most

speedy and manly exertions to drive these foes of the human race from this continent.

I am, &c.,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY, JR.

Handbill inclosed in letter of R. H. Lee of December 18, 1776.

BUCK'S COUNTY, NEW JERSEY, Dec. 14, 1776.

The progress of the British and Hessian troops through New Jersey has been attended with such scenes of desolation and outrage as would disgrace the most barbarous nations. Among innumerable other instances, the following are authenticated in such a manner as leaves no doubt of their truth.

William Smith, of Smith's farm, near Woodbridge, hearing the cries of his daughter rushed into the room, and found a Hessian attempting to ravish her.

In an agony of rage and resentment, he instantly killed him, but the Officer's party soon came upon him, and he now lies mortally wounded at his ruined and plundered dwelling.

On Monday morning they entered the house of Samuel Stout, Esq., in Hopewell, where they destroyed his deeds, papers, furniture, and effects of every kind, except what they plundered. They took every horse away, left his house and barn in ruin, injuring him to the value of 2000l. in less than three hours.

Old Mr. Phillips, his neighbor, they pillaged in the same manner, and then cruelly beat him.

On Wednesday last three women came down to the Jersey Shore in great distress, upon which a detachment of the American Army went and brought them off, when it appeared that they had been all very much abused, and the youngest of them, a girl about 15, had been ravished that morning by a British officer.

A number of young women in Hopewell, to the amount

of 16, flying from this ravishing and cruel enemy, took refuge on the mountain near Ralph Hart's; but information being given of their retreat, they were soon brought down into the British camp, where they have been kept ever since.

The fine settlements of Maidenhead and Hopewell are entirely broke up. No age or sex has been spared; the houses are stripped of every article of furniture, and what is not portable is entirely destroyed: the flocks of cattle and sheep are drove off, every article of clothing and house linen seized and carried away, scarce a soldier in the army but what has a horse loaded with plunder; hundreds of families are reduced from comfort and affluence to poverty and ruin, left, at this inclement season, to wander through the woods without house or clothing. If these scenes of desolation, ruin, and distress, do not rouse and animate every man of spirit to revenge their much injured countrymen & country women, all virtue, honour, and courage must have left this country, and we deserve all we shall meet with, as there can be no doubt the same scene will be acted in this province upon our own property, and our beloved wives and daughters.

It is hoped by all good men that the above relation will induce the brave Militia of Maryland immediately to comply with the recommendation of the Continental Congress, by marching, without delay, to reinforce General Washington's army, that a stop may be put to the progress of these cruel foreign spoilers; and that our much injured country folks in the Jerseys may be revenged, and the rapine and devastation committed there be prevented from reaching this State.

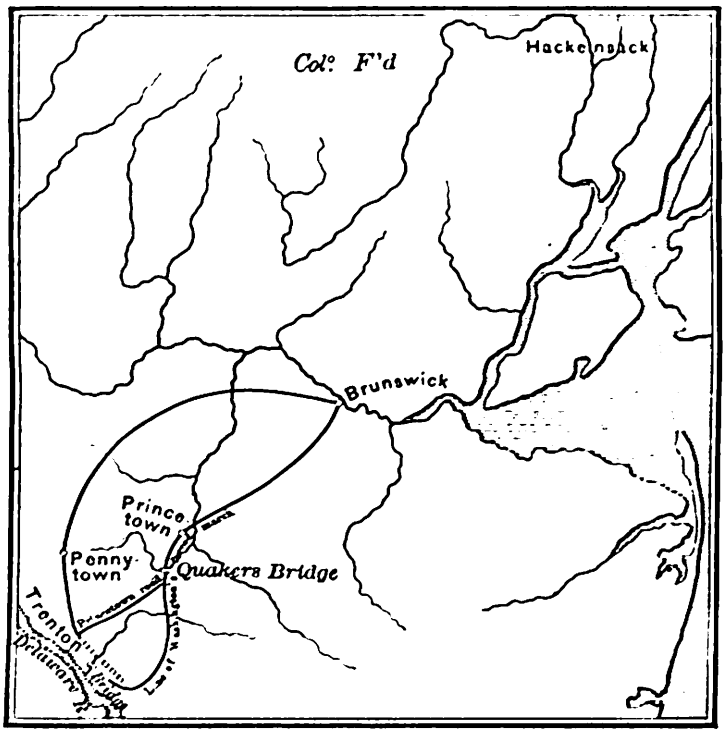
Richard Henry Lee to Patrick Henry.

BALTIMORE, 9th January, 1777.

DEAR SIR: I have no doubt but that Mr. President inclosed you with his last dispatches the printed account of General Washington's success at Trenton. The number of Hessian prisoners there made do not fall much short of

1100. Since that event we have had no regular account from the army, but from a committee of Congress at Philadelphia we have the accounts brought into Philadelphia by a number of persons, and believed there, in substance as follows: The British forces stationed at Brunswick, Trenton, and other places in New Jersy, hearing of the success at Trenton, collected and marched towards that place to attack our army, now strengthened by the junction of all its detatchments, and by several corps of Militia. Gen. Washington ordered two Brigades to advance on the Princeton road and interrupt the enemies march. About 3 miles from Trenton they met the enemy, and being attacked by a much superior force, were compelled to retreat, which they did slowly, keeping up a retreating engagement until they joined the main body, drawn up on a high ground on this side of a bridge that divides the village of Trenton nearly in two parts. The enemy attempting to force the bridge were received by Gen. Mifflin with the Philadelphia malitia and a number of Field pieces, which drove them back with great loss, and some batteries being now opened on the heights commanding the enemies' part of the town, they were soon obliged to quit it with loss. The armies still continued posted opposite each other until midnight, when Gen. Washington (having reced. certain intelligence that Gen. Howe was on his march in person with a large reinforcement to join his army) having previously directed large fires to be made to deceive the enemy, decampt, made a forced march that night to meet Gen. Howe, met with him at a place called Quakers bridge, gave him battle, and routed his troops, taking from 6 to 800 prisoners. Pursuing the fugitives he entered Princeton, where a number of officers, 6 or 7 field pieces, and the 40th regiment were taken. The British army that remained at Trenton knew nothing of General Washington's designs until they heard the firing next morning, and then, having possessed themselves of the heights for some time, they retreated towards Brunswick along the Pennytown road, a circuitous western way, leaving the place of engagement on the right hand a good dis-

tance. This extraordinary motion, denotes panic, because their direct rout to the scene of action was along the road to Princetown, as thus



NOTE.—For the sake of clearness Lee's diagram has been supplemented by a map of the surrounding country.

The account goes on that our army was pursuing from Princeton to Brunswick, where the enemy had some large stores kept. We know that Gen. Heath with above 3000 men is about Hackingsack, and Col. Ford with 1500 Jersey militia is before him in the way to Trenton. This is the posture we understand things to be in, and we wait in hourly expectation of receiving authentic intelligence of the total rout of the enemies' army in Jersey, and their disgraceful evacuation of that state. Thus we bid fair to derive great advantage from what we once apprehended would injure us extremely, the dispersion of our army.

The enemy knowing we had no army, and trusting to their Tory intelligence that no forces could be collected, had divided their troops in such a manner as to expose them to ruin from militia only, or chiefly so; for excepting about 1500 Eastern troops, the same number of Virginians, about 200 of Smallwood's Marylanders and a broken Pennsylvania regiment, the rest of Gen. Washington's army is militia. Another valuable consequence will result from this success, it will prove to our enemies that America, without an army, is formidable in its militia. For sudden exertions the militia certainly do well, but they cannot bear the continued discipline of camps and campaigns. This certainly makes it of the last importance that our regular army should be assembled with all possible dispatch, and such you will find to be the sense of congress by their requests to the several states for this purpose. Our wicked enemy to freedom and all its friends are actually preparing to try Gen. Lee by a special court martial. For it seems that in order to be aided by a court martial that gentleman's resignation of his commission was not accepted. We have sent to remonstrate with Mr. Howe on this subject, to demand Gen. Lee's enlargement on his parole, and to assure that the same infliction exactly that is applied to Gen. Lee shall directly be applied to 5 Hessian Field officers and Col. Campbell, their favorite engineer, who shall be reserved for the special purpose. We have offered 6 Hessian field officers in exchange for Gen. Lee.

I heartily wish you the compliments of the season, and am with great esteem, dear sir, your most affectionate and obedient servant,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY, ESQ.
Governor of Virginia.

Be pleased to let the scheme of lottery be published in our papers, that people may be prepared against the Tickets are sent.

Richard Henry Lee to Patrick Henry.

BALTIMORE, 17th Jany, 1777.

DEAR SIR: I am favoured with yours by Maj. Johnston, and I should certainly have served him to the utmost of my power in Congress, if the appointment you proposed for Maj. Johnston had not now been in another channel. You know Sir, that by the resolve of Congress the General is to fill up all vacancies in the Continental troops that shall happen for six months from the date of the resolve. I have recommended it to the Major to get a letter from you and the council, with one from Colonel Harrison, to the General in his favour, and if he is very intent on success, to carry them himself. I think this will not fail to procure him the commission he desires, and in the mean time, the Liutenants and Ensign may be recruiting the company. We have not heard from Gen. Washington since the 5th instant, when he was at Morris Town in West Jersey, about 20 miles from Brunswick where the enemy keep their head quarters. But a Gentleman who arrived here yesterday, and who passed through our army at Morris Town on the 8th, says, the men were in high spirits, that he thinks they were 12,000 strong, that they were under marching orders, and they were supposed to be going towards Elizabeth Town, which is between the main body of the enemy and New York. That Gen. Heath was to join them on the 9th with between 2 and 5 thousand men. That the Jersey militia had many skirmishes with the British troops and always beat them. That he met large bodies of militia on march to the Jersies, whence he concluded that the enemy must either quit that state soon, or be exposed to great danger by remaining there. Unluckily our army consists almost entirely of Militia, whose stay is very uncertain, and renders the speedy coming of regular troops absolutely necessary. I am with very particular regard and esteem dear sir,

Your most obedient and most humble Servant,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY.

Patrick Henry to Colonel William Christian.

HANOVER, Jan. 24th, 1777.

SIR: I laid your last despatches by Mr. Morrison before the council, and upon considering the distressed situation of the Cherokees, and that the long absence occasioned by a journey to Williamsburg might be detrimental to their private affairs, and possibly give the disaffected an opportunity to further their designs, the council board have come to a resolution that the Indian Chiefs may be met at the most convenient place near the great island. They advise me to appoint yourself, Col. William Preston and Major Evan Shelby, to be commissioners on behalf of Virginia, to negotiate with the Cherokees on all such matters as may be found necessary for ratifying the late convention held at their towns, or establishing a firm and lasting peace with their Nation on terms of equity and mutual advantage. In conformity, I do hereby appoint you Sir, Colo. William Preston and Major Evan Shelby, to meet the Indian Chiefs, and to negotiate with them, for the above purposes. You may expect to receive from me some further instructions touching the Treaty, but in the meantime I judged it proper to send you this by express, that the affair may be put into motion, and the necessary notice and preperations may be thought of. You will please to order the several things necessary for the reception of the Indians, and give me notice of any thing you want from below, or the solution of any question on which you may desire to be instructed. I am Sir your most h'bl servt,

P. HENRY, JR.

COL. WILLIAM CHRISTIAN.

Richard Henry Lee to Patrick Henry.

BALTIMORE, Jan'y 30, 1777.

DEAR SIR: 'Tis with much pleasure I inform you, that our affairs in the Jersies wear as favorable an aspect as we could possibly expect. And if the militia remain with the Gen-

eral until the recruits get up, I verily believe the business of the campaign will be nearly finished for the winter. Wonderful as it may seem, yet it is a fact, that our great success in Jersey since the 24th of Decr has been obtained by an army chiefly irregular, and much inferiour in number to the regular force of the enemy. And the Army that now so greatly and so ignominiously distress the British force at Brunswick, is inferior in numbers to the one it now confines to the Brunswick hills. The committee of Congress at Philadelphia tell us, a report has come there of an engagement between Gen. Sullivan's detatchment of the Army near Brunswick, and a strong detatchment of the enemy. The issue not certainly known, but they say a person immediately from Brunswick relates, that the British light horse came in much confusion from the field of battle to that Town, calling for a reenforcement. We therefore hope hourly for good news from that quarter, nor are we without hopes of a good account from N. York. We know they were in a very defenceless situation lately, and if the motions of Gen. Heath are not too slow, so that reenforcements may come from Rhode Island, or be sent from Jersey for the defence of New York, he will go near to free that city from the Tyrant's Troops. We have no late news from Europe except by the way of Halifax, where the report is, that a war between France and G. Britain is inevitable, and the B. officers there say, "The damn'd Rebels would keep America yet." I hope the rightful owners will keep America, and in despite of all the efforts of Tyranny & its tools.

Farewell dear sir, affectionately yours,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY.

Richard Henry Lee to Patrick Henry.

BALTIMORE, 6th Feby, 1777.

DEAR SIR: The events of war having not been considerable lately, this is chiefly intended to enclose you the British king's speech to his Parliament, which you will see

in the News paper. Skirmishes are daily happening between our troops and the foraging parties of the enemy, in which we seldom fail to beat them and take their forage. Their numbers are this way daily decreasing, and the survivors in great distress for food and feed. The many horses we have taken from them are emaciated extremely. If our new army can be got up in good time I hope we shall deal effectually with these Tyrant Tools. Mr. Page writes us that a Vessel has arrived with you that brings continental soldier's cloaths. I hope that these being put on the backs of your new recruits, will greatly forward the new inlistments. That the troops should expeditiously join the General is a point so clearly necessary, that I am sure you will promote it with all your power.

I am, very affectionately yours,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY.

Patrick Henry to the Virginia Delegates in Congress.

W^m^BURGH, Feb. 11^th^, 1777.

GENTLEMEN: M^r^ Clements of Major Bland's Regiment is accompanyd by two Gentlemen who served the King of Prussia in last War, the one as Cap^t^, the other as Lieutenant of Cavalry. They are last from St. Eustatia and have papers which they call Credentials, but which are not intelligible to me, being in the german Language.

The Council concur with me in opinion that they may be highly serviceable at this Time, as a large Body of Cavalry is soon to be raised, and our officers must be generally inexperienced in that service. They are therefore recom̄ended to you, in Hopes that their Merit will one day amply compensate for any favor they may receive from Congress.

Two Brass field pieces were sent to this State from Philadelphia some time ago. The continental Regiment of Artillery now raising here will carry them away, I expect, when they march. The officers will not permit them at present to be taken into the service of this Country, but keep them

in their Corps of Artillery. We are exceedingly distressed for want of Field Pieces; and if Congress can spare us the above, we will gladly pay for them, & acknowledge the Favor. With great Regard I have the Honor to be

Gentlemen,

Y^r^ mo. ob^t^ h'ble serv^t^

P. HENRY, J^R^

— —

Patrick Henry to the Lieutenant of Montgomery County.

WMSBURGH, March 10^th^, 1777.

SIR: You are to embody fifty men of your militia under the usual officers, and order them to Kentuckie. In conjunction with fifty others from Botetourt, they are to Protect and defend the Settlers there, 'til further orders. In case it shall be judged impossible to hold the Country with this Reinforcement joined to the Inhabitants there, they are to escort all the People with their Effects to the nearest place of safety, and then to disband, if no other orders are given by me, or by my Direction.

This detachment to Kentuckie must be victualled there, as I understand Provisions are plenty and cheap.

The great variety of War in which this State is engaged, makes it impossible to spare such a number of men for this Expedition as I could wish; and also requires that you raise the men in the interiour parts of your County least liable to Invasion

You will give the officer you send orders conformable to the above. If a field officer of Kentuckie should be on the spot, he will take the comand. If not, the eldest Captain that comands the Reinforcement.

I am

Sir,

y^r^ mo. ob^t^. h'ble serv^t^,

P. HENRY, J^R^.

P. S.—There is powder I hear arrived at Kentuckie. Lead must be had with you. An order accompanys this.

LIEUTENANT OF MONTGOMERY COUNTY.

Patrick Henry to Thomas Johnson, Governor of Maryland.

WILLIAMSBURG, 13th March, 1777.

SIR: Having received a letter from the Delegates of this State in general Congress, acquainting me on the authority of a well informed friend to America residing in London, that the war is likely to go on another year, in which case Chesapeake Bay is to be the Seat, & more particularly the Eastern shore will be the first object, or place of landing; it naturally occurs, (what also our Delegates recommend,) that in this common danger it is exceedingly necessary to confer with you upon the subject of assistance to be mutually afforded, and the cooperation of the forces of each State.

Everything which can possibly be done by us, may be depended on, yet I cannot but lament our impotence, arising in great measure from the peculiarity of our situation respecting the Eastern shore. The difficulty of Transporting Troops thither, to oppose an Enemy who will have the absolute command of the Bay which divides us, or of bringing them back again, whenever opportunity may invite the Enemy to change their design and invade this Western shore, is as obvious as it is melancholy. Thus circumstanced, altho' difficulties must not discourage, and we ought to put forth our utmost exertions, I am constrained to observe, that they may possibly prove so insurmountable, as to throw the defence of that Country principally upon your State.

The Shoaliness of all that Coast rendering it impossible for the larger ships of War to lie near the shore, suggests the utility of Gallies which are so constructed as to Sail in shallow water; & are too strong for such smaller vessels as will probably be employed to effect a landing. In this idea, I have ordered two of the Row Gallies belonging to this State to be stationed on the Eastern shore; and two Companies in the service of the United States, will, I expect, be shortly transported there.

The Congress recommend to us the Removal of the Cattle and other Stock, that the Enemy may not find there Resources for the ensuing Campaign, as they did for the last at Long Island. But besides the very great difficulty always attending such a measure, the proposal of which in this case has already created a murmuring among the people on the Shore, I find myself not a little embarrassed by the proceedings of our Convention, when similar circumstances seemed to demand the removal of stock from Princess Anne and Norfolk Counties. They were of such a nature as to put me under the necessity of leaving things as they are in that respect, 'till I can have an opportunity of laying the matter before the General Assembly, or at least till an actual Invasion shall take place. I wish to be favored with your sentiments on this important subject as soon as may be, and have the honor to be,

Sir &c,

P. HENRY, Jr.

His Excellency THOS. JOHNSON.

Patrick Henry to George Morgan, Esq., Superintendent of Indian Affairs, and Colonel John Nevill.

WILLIAMSBURGH, March 12th, 1777.

GENTLEMEN: You will perceive by the Papers which accompany this, that the Indians at Pluggy's Town are to be punished in an exemplary manner. When you apply to the Shawnese & Delawares on the subject, it may not be amiss to observe to them, that these villainous Indians, by their frequent mischiefs, may breed Suspicions against innocent friends & Allies; for it is often difficult to tell what Nation are the Offenders.

Willing to cultivate that good understanding that subsists between Virginia & their Nations, the Shawnese & Delawares cannot take umbrage at the march against the Pluggy's Town people, more especially as the latter march through the Country of the former when they attack us.

You will readily understand the delicacy of the Business in opening this matter to the Chiefs. Many, if trusted, may not keep the secret. If the Enemy have warning, the Expedition will produce but little good compared to what may be expected if they are attacked by surprise.

You will please to communicate to the Allies of this State the strict orders given to the Officers & Soldiers, not to molest or offend any but the Enemy of Pluggy's Town; & that orders are given to spare the Women and Children, and such men as submit.

I take the liberty to remind you, that the success of the Enterprise depends upon the address & propriety which will, I hope, distinguish your conduct in communicating this affair to the Shawnese & Delawares.

I trust Gentlemen, that you will leave nothing in your power undone, that may tend to give success to a measure so necessary for the well being of your Country; and that you will not confine yourselves to the strict line of duty, with respect to what falls into the business of each Officer respectively, but act on the most liberal plan for promoting the enterprize.

I have the Honour to be,
Gentlemen Y^{r} most Ob^{t} h'ble Serv^{t},
P. Henry, Jr.

P.S.—You will communicate every thing necessary to the Officer who is to command in chief.

P.S.—If it is judged best to go part of the way to Pluggy's Town by water, let it be so—this may avoid perhaps all offence to other Indians.

Patrick Henry.

To George Morgan, & Colo. John Nevill,
Or in the Absence of the latter,
To Robert Campbell, Esq., Pittsburgh.

Patrick Henry to John Hancock.

WMSBURGH, March 38th, 1777.

SIR: I am honor'd by your Despatch of the 13th, & I'm sorry to observe that it gives me some embarrassment. Tis very true we have a Gun Factory at Fredericksburgh, & I believe there are some arms finished there.

I should have been obliged to your Informant had he mentioned to me the State of it, that I might have compared the number of Arms with the public occasions for them, whereby an estimate might have been formed of the number to be spared, & to what Quarter or Corps of Troops the General Interest required them to be sent. Yesterday I order'd the Keeper of the public Magazine to furnish me with a Return of the public Arms, having engaged to deliver Colo Mason all that can be spared, for his Regiment. You will therefore perceive the necessity of postponing the Delivery of the Arms to Colo Stevens until this matter is settled with Colo Mason.

Congress will be pleased to excuse me when I observe, there is propriety in the Executive power of this State taking up the business of distributing the few arms we have among the Troops we raise, according as various local circumstances may require. Would Congress be pleased, Sir, to call upon me for information as to our Stock of public Arms, they might depend upon receiving a true one. With great regard I have the Honor to be,

Sir,

Yr mo. obt & very h'ble Servt,

P. HENRY, JR

HONBLE MR HANCOCK,
President of the Congress.

Robert Pleasants to Patrick Henry.

CURLES, 3d mo., 28, 1777.

RESPECTED FRIEND: A knowledge of thy sentiments, a remembrance of former favors, and thy present exalted station, induceth me to offer a few hints to thy consideration, which being, as I apprehend, of great importance, may not be unworthy a serious thought at some leisure moment. It is in respect to slavery, of which thou art not altogether a stranger to mine, as well as some others of our friends sentiments, and perhaps too thou may have been informed, that some of us from a full conviction of the injustice, and an apprehension of duty, have been induced to embrace the present favorable juncture, when the representatives of the people have nobly declared *all men equally free*, to manumit divers of our negroes; and propose, without any desire to offend or thereby to injure any person, to invest more of them with the same inestimable priviledge. This I conceive was necessary to inform the Governor of, especially as I have been told there hath not been wanting some busie medling people, who have threatened to put in force the former most unjust and unreasonable law, (empowering the church wardens to take up and sell such manumitted negroes for slaves,) and that application hath actually been made to thee for this very purpose; altho' from a knowledge of thy sentiments on this subject, I am far from thinking, such application would meet with any encouragement from thee. Indeed few, very few, are now so insensible of the injustice of holding our fellow men in Bondage, as to undertake to vindicate it; nor can it be done in my apprehension, without condemning the present measures in America; for if less injury offered to ourselves from the mother Country, can justify the expense of so much Blood and Treasure, how can we impose with propriety absolute slavery on others? It hath often appeared to me as if this very matter was one, if not the principal cause of our present troubles, and that we ought first to

have cleansed our own hands, before we could consistently oppose the measures of others, tending to the same purpose; and I firmly believe the doing this justice to the injured Africans, would be an acceptable offering to him who "Rules in the Kingdoms of men," and "giveth Wisdom to the wise, and knowledge to those who have understanding," and for a purpose too of his own Glory; and happy will it be for us if we apply our Talents accordingly; for such it is that are often made a Blessing to themselves, to their posterity, and to mankind in General. But if on the contrary we seek our own glory, and present interest, by forbidden means, how can we expect peace here, or happiness hereafter? O may we therefore, "break off our sins by Righteousness, and our iniquities by shewing mercy to the poor, if haply it may be a lengthening of our tranquility." The declaration of Rights is indeed Noble, and I can but wish and hope, thy great abilities and interest may be exerted towards a full and clear explanation and confirmation thereof; for without that, the present struggle for liberty, if successful, would be but partial, and instead of abolishing, might lay the foundation of greater imposition, and Tiranny to our posterity than any we have yet known: And considering the uncertainty of future events, and all human foresight, the immediate posterity of those now in power might be effected by such partiality, as well as others whose grievances might remain unredressed. It would therefore become the interest, as well as duty, of a wise and virtuous legislature in forming a government, to establish a general, uniform and constant liberty, as well Civil as religious; for this end, I just propose to drop a hint, which hath appeared to me as likely to accomplish the great and wise end of a general freedom, without the dangers and inconveniences which some apprehend from a present total abolition of slavery, as any thing that hath occured to me, and perhaps might be as generally ap proved; which is to Enact, that all children of slaves to be born in future, be absolutely free at the usual ages of 18 and 21, and that all such who are convinced of the injustice

of keeping slaves, and willing to give up the property which the law hath invested them with, may under certain regulations, (so as not at an age to become chargable, or from other impediments obnoxious to the community,) have free liberty to do it. By such a law I apprehend the children would be educated with proper notions of freedom, and be better fitted for the enjoyment of it, than many now are; the state secured from intestine Enemies and convulsions, (which some think would attend a total immediate discharge,) its true interest promoted, in proportion to the number of freemen interested in its peace and prosperity, and above all, to do that justice to others which we contend for, and claim as the unalterable birthright of every man. It surely can never be consistent with Reason or equity, for a law to invest me with absolute property in my fellow creatures, and at the same time debar me from disposing of that property according to my own will and desire; this, as far as my knowledge in History extends, was never disallowed under any form of government, when slavery was the general lot of captives taken in War; and should Christians so far degenerate from the practice of heathen, as not only with them to enslave Captives, but entail Bondage on their innocent offspring, and then on their unhappy possessors forever? I must now beg thy excuse for these Remarks. And wishing thy present and future happiness, I remain very respectfully Thy assured Friend,

ROBERT PLEASANTS.

To Gov^{r} PATRICK HENRY

Patrick Henry to General Adam Stephen.

W^{m}BURGH, Mar. 31, 1777.

You tell me, my dear General, more in a paragraph, than others do in a page. Continue your agreeable correspondence, & gratify that curiosity which is eager to know every circumstance of the Army at this interesting Period. Poor Thurston met with a Rebuff I hear. I am anxious for him

to live, & in the next affair that he may have better Luck.

Pray how are your people armed, & what prospect have you as to arms in future. Great exertions are made here to import & fabricate. I hope Congress have tho' of doing so in Time. We have ab' 100,000 lbs powder. The Hunters make very fine, & in plenty. I am just sending sulphur to them. It is the only ingredient they want.

The Cherokees are likely to plague us again. Those whose Towns are destroyed lay out & war on our people. I fear their party increases so as to become formidable. Orders are dispatch'd as to Pluggy's Town. Give me your opinion as to Pittsburgh. Its great importance you know. If that is lost, we shall retain no post from the Gulf of S'. Lawrence to the mouth of Mississippi. I hear a Fort is building at Sanduske. Stewart is gone to the Ohio Nations, many of whom I fear are Enemys. In this situation may not an armament come ag' Fort Pitt; especially if there is no Diversion in Canada. By attacking that Fortress the Enemy will act systematically, as Howe seems to make an impression in Jersey. But I wish for your sentiments as to the number of Troops necessary for that Garrison. I have order'd some Cannon & repairs there. But the great distance wont permit me to know how the Orders are executed. Enlisting goes on badly. Terrors of the small-pox added to the Lies of Deserters &c &c, deter but too many. Indeed the obstacles & discouragements are great.

My Kinsman Winston, whom you mention, is clever. He is a gentleman that may be rely'd on. He commands a company of Continental Regulars from Han' County. I shall tell him of yours. How many subalterns do you want? An army of them may be had. Is there any certainty of their being provided for? As they are but low in cash they are shy of going so far, unless on a certainty.

Adieu, my dear Sir. May we live to see the happy Days of Victory, & safety which will result from that alone; & may the present Times be remember'd by us with that pleasure which a wise Improvement of them will give. May

you long live in the full enjoyment of that Happiness you so nobly struggle to give your country.

Y^n^ ever,

P. HENRY, J^R^.

Patrick Henry to the Officers who were to command the Forces marching to the help of Kentucky.

MARCH 29^th^, 1777.

GENT^N^: The Quantity of Provisions & the N°. of Pack Horses are great, but the service being necessary, it must be done, tho' I hope it may be conducted on the cheapest terms Circumstances will allow. I suppose the meat must be had in your Parts, but the Flour had better be had out y^e^ G. Island, or purchased with you & waggon'd to that Place, where there are a N°. of Public horses that may be taken to carry it to Kentuckie. Let the horses be brought immediately & left at such Place as Col°. Shelby directs, as they may be wanted again to visit the Cherokees; and without them great inconvenience may arise. The Officer commanding your Militia, must pass his Rec^t^. for all the public property he receives. It is impossible to prescribe the Time the Reinforcement are to serve at Kentuckie. They must stay as long as the preservation of the Lives of the People make it absolutely necessary, & no longer. I expect you'll employ proper Persons to get the Provisions on the most frugal Plan. Certainly some allowance might be made for wild meat, & so some abatement in the number of Pack Horses and other charges. I need not tell you of the necessity of frugality, arising from the great extent and variety of military operations, that altogether bring on monstrous Expense to the State. I would send up ammunition but have no Conveyance. If the quantity necessary can be had your Way, it shall be replaced from here by the first waggon. Maj^r^ Bledsoe has Orders to deliver the Pack horses necessary out of the Public horses near the great Island. I hope less than you mention will do.

I am Gent^n^. &c.,

PAT. HENRY, JUN^R^.

George Morgan and John Nevill to Patrick Henry.

FORT PITT, April 1st, 1777.

SIR: We had not the honour to receive your Orders & the Minutes of Council of the 12th Ultimo, until this day. We immediately wrote to Colonel Shephard & Major Taylor, to meet us here the 8th inst to confer thereon, & determine the most effectual steps to carry the same into execution. And your Excellency may be assured we will leave nothing in our power undone, that may tend to promote the interest of our country in general, or the success of this Enterprize in particular, not regarding the strict Line of Duty in our respective departments, but the promotion of the service on the most liberal plan. We, nevertheless, wish we were left more at liberty to exercise our Judgments, or to take advice on the expediency & practicability of the Undertaking at this critical time—for, although we are persuaded from what has already passed between Col. Morgan & our Allies, the Delawares & Shawnese, that they would wish us success therein, yet we apprehend the inevitable consequences of this expedition will be a general Indian War, which we are persuaded it is the Interest of the State at this time to avoid, even by the mortifying means of liberal Donations to certain leading Men among the nations, as well as by calling them again to a general Treaty. And if the State of Pensylvania should judge it prudent to take some steps to gratify the Six Nations, in regards to the encroachments made upon their lands on the north western frontier of that State, of which they have so repeatedly complained, we hope, and believe, it would have a very salutary Effect. The Settlement of the lands on Ohio, below the Kenhawa, & at Kentucke, gives the Western Nations great uneasiness. How far the State of Virginia may judge it wise to withdraw or confine those settlements for a certain term of Years, or during the British War, is too delicate a matter for us to give our opinion on, but we have reason to think that the measures we have (tho' per-

haps out of the strict line of our duty) presumed to hint at, would not only tend greatly to the happiness of this country, but to the Interest of the whole State; more especially if care be taken to treat the different Nations in all respects with Justice, Humanity, & Hospitality; for which purpose, & to punish Robberies & Murders committed on any of our Allies, some wholesome Orders or Acts of Government may possibly be necessary; for Parties have been formed to massacre some who have come to visit us in a friendly manner, and others who have been hunting on their own lands, the known friends to the commonwealth. These steps, if continued, will deprive us of all our Indian Allies, & multiply our Enemies. Even the Spies who have been employed by the County Lieutenants of Monongahela & Ohio seem to have gone on this Plan, with a premeditated design to involve us in a general Indian War; for on the 15th instant, at day break, five or six of these Spies fired at three Delaware Indians at their hunting Camp, which they afterwards plundered of Peltries to a considerable value, & brought them off.

This was committed about twenty miles on this side the Delaware Town, between that & Wheeling, & out of the Country or track of our enemies.

Luckily all the Indians escaped, only one of whom was wounded, & that slightly in the wrist.

We enclose to your excellency the copy of a Speech or Message, found near the body of a dead man, who had been kill'd & scalped two days before near the Kittanning, on the North Western Frontier of Pennsylvania, when another man was taken Prisoner. We suppose the party of Indians who left this Message, & perpetrated the Murder, to have been hired for that purpose by the British Officers at Niagara, in order to promote an open Rupture between the Six Nations and the United States; as we had intelligence of such a party being out, & having come from thence. In consequence whereof, & on considering the present situation of this Country, a Council of Field Officers & Captains met here, & gave their opinion on certain mat-

ters, of which your Excellency is doubtless ere now fully informed ; among other things Col' Crawford was requested to make a Return of the Stores requisite to be sent here, & an Estimate of the Expense of Repairs, to make this Fort defensible against any body of Troops which may be brought against us by the way of Presque Isle & the Allegany, that being the Route by which this Fort will be attacked, if ever an Expedition should be formed against it from Canada ; & not, as has been intimated to your Excellency, from Detroit and Sandusky, there being no Post at the latter place, & as we are informed but Sixty Six Soldiers at Detroit, from whence by land to Fort Pitt is near three hundred Miles, impassable for artillery ; & all that Country, we are told, could not furnish to an Army of 1000 men sufficient Provisions or Horses for such an Expedition.

Your Excellency cannot but be already informed that many persons among ourselves wish to promote a war with the Savages, not considering the distresses of our Country on the Sea Coast. This disposition, with the conduct of a Banditti consisting of 60 or 80 savages at the heads of Scioto, may possibly create a general Quarrel. Yet we flatter ourselves that by prudent measures it is possible to avoid it. But if, as seems the inclination of some, all Indians, without distinction, who may be found, are to be massacred, & even when visiting us as Friends, a general War cannot be avoided, & we fear the consequences would be fatal at this critical time ; but should it please God to bless us with Victory to overcome our British Enemies on the Sea Coast, we shall have it in our power to take ample satisfaction of our Indian Enemy. In the Interim we are humbly of the opinion, that the most pacific measures with liberal Presents, if in our power to make them, will be attended with much happier consequences with the Savages than an armed force can produce. Nevertheless, we beg leave again to assure your excellency, that nothing in our power shall be wanting to promote & insure success to the Expedition now ordered to be executed. But as it will be impossible to have the Men raised & armed before the

first day of June next, we shall have sufficient time to receive your Excellency's farther instructions on that head, & we shall in the interim take every possible precaution to prevent Intelligence reaching the Enemy, so far as to defeat the wise intentions of Government.

We are with the greatest Respect, Your Excellency's most obedient and most humble Servants,

GEO. MORGAN.
JOHN NEVILL.

P. S. By Lieut. Holliback, who left the Kenhawa the —— ult°, all is quiet there, & no Murders or Indian Incursions have been made into the Inhabitants, that we have heard of since last December, when one man was kill'd on the Indian side of Ohio, opposite to the Fort at Wheeling, & one taken Prisoner—they were out as Spies.

The County Lieutenant, who is ordered to send 100 men to meet Cap. Lynn with the Powder, is at a loss to know how far to proceed, or where St. Louis on the Mississippi is —there being one place of that name 160 miles above the mouth of Ohio, & no settlement or fort less than 400 miles below the Ohio—the nearest is at the River Arkansa.

To His Excellency PATRICK HENRY, JUN^R, ESQ^R,
Governor of the Commonwealth of Virginia, at Williamsburgh.

Patrick Henry to Richard Caswell, Governor of North Carolina.

W^MBURGH, April 1^st, 1777.

SIR: Last Spring, the Convention of this Commonwealth directed two large Galleys to be built for protecting your Trade & ours. Will you be pleased to tell me in what state they are, & how soon they will be fit for service? A considerable quantity of European goods were sent from hence to Edenton, or Halifax, & there deposited. They

were intended for the use of Col. Muhlenburgh's Regiment; But as it is marched to the North the Goods will be sent for, if you will be so obliging as to enquire for them, & tell me in whose custody they are.

I hope you'll please to excuse the Trouble I give you, as I really know not who else to apply to, or by what other means to preserve the goods from being entirely lost.

From the last Intelligence, I am inclined to think the Cherokees will be further troublesome. In every Instance, I shall be happy to cooperate with your State; But especially in matters respecting these Indians, in whose Enmity or Friendship, the Back settlers of both Virg^{a} & Carolina are so deeply interested. I did myself the Honor to inform you of a Treaty appointed to be held with them. It may possibly produce something. If offensive operations become necessary, is it not best to postpone it 'til corn is planted? Will you please favor me with y^{r} sentiments on the subject, & thereby greatly oblige him who has the Honor to be, with esteem,

Sir,

Y^{r} Most ob^{t} hble Serv^{t}

P. HENRY, JR.

His Excellency RICHARD CASWELL,
Governor of No. Carolina.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, April 7, 1777.

DEAR SIR: I thank you for your favor, which I found here on my return from Virginia.

Weak, and exposed as our enemies are in the Jersies to a stroke that would be decisive, we cannot avail ourselves of it for want of men, although we have arms, tents, cloaths, and every necessary ready for 20,000 soldiers. The levies come up very slow, and these are obliged to undergo inoc-

ulation before they join the army; so that the General has not more than 4,000 with him now, and the enemy have about 17,000. Yet they continue narrowed in their quarters and greatly distressed for forage. O for 10, or 12 thousand Americans to sweep these vermin from our land! We have received very agreable intelligence from the commissioners (Dr. Franklin, Mr. Deane and Dr. Lee,) of the United States to the Court of France. They have been received with great cordiality, promised protection, and an answer to their proposals as soon as Spain has been consulted, with which country France means to act in close concert. The French had in January 25 sail of the line ready, & Spain had 17. And both were certainly to have 30 by April. Ten thousand French troops were marched to Brest where the fleet lay, and opposite the English coast, which will no doubt occasion alarm, and prevent the sending more troops from G. Britain. The court of London had solicited the guarantee of its continental possessions in Europe, and was refused by the allies of France in Germany. The commissioners had negotiated a loan of two million of Livres, to be paid when America was in peace and prosperity, without even the mention of interest, and the ports of France, Spain & Leghorn are open to our prizes as well as our trade. These things look well, and if we are not wanting to ourselves, must in time fix the freedom and happiness of America. We have 12,000 stand of arms arrived at Portsmouth in N. Hampshire, with other military stores, and 3,000 stand come in here. The enemy lately made an attack by surprise on our posts upon the highlands of Hudson river, but they were repulsed, and driven on board their ships with precipitation and disgrace, by an inferior number of American troops. They have lately embarked troops at N. York, the tories say for this city, themselves say they are going to Chesapeake Bay. Some think they mean nothing but to amuse, whilst others imagine they mean to renew their attack on the heights of Hudson river. Either of the two last opinions I prefer to the former. I hope to have the pleasure of seeing you in May at Wil-

liamsburg, and remain in the meantime with great friendship and affection, dear Sir,

Yours,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY, Esq.,
Governor of Virginia.

George Washington to Patrick Henry, Governor of Virginia.

MORRISTOWN, 13. April, 1777.

SIR: It gives me much concern to hear that the recruiting service proceeds so slowly in most of the States. That it is the case in Virginia affects me in a peculiar manner. I feel myself much obliged by the polite respect your honorable Board of Council are pleased to show to my opinion; and am under the necessity of observing, that the volunteer plan, which you mention, will never answer any valuable purposes, and that I cannot but disapprove the measure. To the short engagements of our troops, may be fairly and justly ascribed almost every misfortune which we have experienced. By that course, and that alone, have the liberties of our country been put in question, and the most obvious advantages lost. This I speak from painful experience, and, assured of the facts, I cannot countenance in the smallest degree what I know to be pernicious in the extreme. Short enlistments, when founded on the best plan, are repugnant to order, and subversive of discipline; and men held upon such terms, will never be equal to the important ends of war; but when they are of the *volunteer* kind, they are still more destructive.

Those who engage in arms under that denomination, let them agree upon what conditions they may, are uneasy, impatient of command, ungovernable; and claiming to themselves a sort of superior merit, generally assume not only

the privilege of thinking, but of doing, as they please; added to these considerations, such corps are long in forming, and half of their time is taken up in marching to and from camp at a most amazing expense; nor are the injuries to which a country is exposed by the frequent marching and countermarching of men, to be disregarded. Further, whilst they are in service, the States to which they belong have but little, if any chance, to engage them for a longer term. When that is out, they will return, though the exigency of affairs should be ever so pressing, and though you should be on the point of action, or perhaps of grasping a victory. Their departure has a most baneful and unhappy influence over those who remain, who consider themselves, notwithstanding their engagements, as subjected to peculiar hardships, become uneasy and discontent, and many desert. Their return too, having seen only service sufficient to create disgust, and experienced in the course of it a few difficulties, produces the same disposition through the circle of their connections. In a word, Sir, I cannot advise the volunteer plan, as I conceive the adoption of it would have the most fatal and pernicious tendency; and in my opinion the interest of the States would be more advanced by regular enlistments for the war, though it should take a considerable time to complete them. The apologies you offer for your deficiency of troops are not without some weight. I am induced to believe, that the apprehension of the smallpox, and its calamitious consequences, have greatly retarded the enlistments. But may not these objections be easily done away by introducing inoculations into the State? Or shall we adhere to a regulation preventing it, reprobated at this time, not only by the consent and usage of the greater part of the civilized world, but by our interest and own experience of its utility? You will pardon my observations on the smallpox, because I know it is more destructive to an army in the natural way, than the enemy's sword, and because I shudder whenever I reflect upon the difficulties of keeping it out, and that in the vicissitudes of war the scene may be transferred to some southern State. Should

it not be the case, their quota of men must come to the field.

I have the honor to be, &c.

GEO. WASHINGTON.

His Excellency PATRICK HENRY.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, April 15, 1777.

MY DEAR SIR: The express who delivered me your favor of March 28th last, and who went on to Jersey, has either forgotten his promise, or not returned, because he has never since called on me. No person living detests more than I do the pernicious practise of engrossing, especially the necessaries of life. Tis begotten by avarice on inhumanity, and deserves every kind of discouragement. I have spoken to Mr. Morris, and he declares, that so far as he has been concerned, his agent was directed to purchase for him with view of foreign commerce solely. It must deeply concern every good man to see our army collected so slowly, by which, instead of crushing the enemy before reenforcements arrived to them, we are still obliged to be on the defensive, having but 3000 to oppose to near 8000. And now they threaten to attack this City, 9 ships of war being already in the Delaware. The citizens however are in good spirits, & say they shall not have the Town. In the meantime their land force remains in its old situation at Brunswick. Two, or three days ago, they made two sorties nearly at the same time, one party attacking our Post at Bon Brook, and another, that at Quibble Town. The latter attack was immediately repulsed, but the former succeeded at first, so as to repel our men and get away 3 field pieces. But a small reenforcement coming up, they were beaten in turn and driven off, leaving 7 dead on the Field. We lost 5 men. I strongly incline to think that they mean only to amuse us and divert our attention from forming an

army, until their succors enable them to take the field, and pursue to advantage their original plan of possessing the North river, and joining with Gen. Carleton. Be their designs what they may, it is evidently the business of every state to exert itself for furnishing its Quota of troops, that an army formidable may be collected, and sufficient to oppose every attempt. We have now arms and every other equipment ready for 20,000 men, and the Hospital department is put on the most liberal and judicious plan. Some of the best medical men on the continent are called to act in it, so that we hope this business will now be managed in the best manner, and the sick will be taken care of. A fine ship from Nantes, with powder, arms, & Woolens, was the other day chased on shore by two or three Frigates near the capes of Delaware. The Captain, after bravely defending himself for some time in vain, blowed up his ship rather than let her fall into the enemies hands. He lost his life, the rest of the crew were saved, and what is remarkable, a considerable part of the cargo was driven safely on shore by the exploding effort of the powder, and persons are now employed in securing it. We have intelligence from London, via France, late in Jan^{y}, by which we learn that Bankruptcies go on well, two West India merchants having failed for more than a million, and that general distress was great. The merchants tell the Ministry that they lost one million eight hundred thousand pounds sterling by the capture of their Vessels last year. The same accounts tell us that the practices at New York since the enemy got it, exceed everything described in history, unless it be the proceedings of the second triumvirate, and give dreadful specimen of what is to be expected when the power prevails. It is certain that the refusal of the India {Company on account of difficulty and delay, alone prevented the Villains from sending American prisoners to the East Indies for slaves. And that being refused, they were on the verge of sending such of them to Africa as were in England. Yet these are the men, or Devils rather, that some among us would persuade submission to! For

Heaven's sake let every nerve be strained to expel them far from North America. They contaminate the air they breathe. Excuse the length of this letter, and believe me to be, with affectionate respect yours,

RICHARD HENRY LEE.

His Excellency, PATRICK HENRY.

The Virginia Delegates in Congress to Patrick Henry.

YORK, 21st April, 1777.

SIR: General Howe having industriously circulated the draught of a bill, said to be the ground of an act of Parliament, intended to be passed with a view, no doubt, of diverting the people of America from their grand object of preparation and defense, and General Washington having transmitted a few copies of it to congress, expressly to put it in their power to guard against the baneful effects with which this political stroke of Great Britain, if not counteracted, may be attended, we think it indispensibly necessary to give you thus early the substance of this intelligence, and the draught of the bill:

"*A draught of a bill to declare the intentions of Parliament concerning the exercise of the right of imposing taxes within the colonies.*

"And be it hereafter declared that the King and Parliament, after the passing this act, will not impose any duty, tax or assessment whatsoever, payable within any of the colonies, except only such duties, as it may be expedient to impose for the regulation of commerce; the net produce of such duties to be paid and applied to the use of the colony in which levied, in such manner as other duties collected by the authority of the general courts, or assemblys of such colonies, are ordinarily paid and applied."

"*A draught of a bill to enable his Majesty to appoint commissioners to treat, consult, and agree upon means of quieting the disorders in the colonies.*

"And it being enacted that persons to be appointed by his majesty shall have power to treat, consult, and agree, with such body, or bodies, politic and corporate, or with such assembly or assemblies of men, or with such person or persons, as they shall think meet, of and concerning any grievances or complaints existing, or supposed to exist, in the government of any of the colonies, or in the laws and statutes of this realm respecting the same, and of or concerning any aid or contribution to be furnished by all, or any, of the colonies respectively, for the common defense of the realm, and the dominions thereunto belonging, and concerning such other regulations, provisions, matter and things, as, upon mature deliberation of the commissioners, or any of them, shall be thought necessary or convenient for the honor of his majesty, and the common good of all his subjects; provided that no regulation, provision, matter or thing, so proposed, treated, consulted, or agreed, shall have any other force or effect, or to be carried farther into execution, than is mentioned in this act, until approved by Parliament."

"Provided, also, that the commissioners, or any of them, may order and proclaim, a cessation of hostilities on the part of his Majesty's troops, in any of the colonies, for any time, and under any condition or restrictions they shall think convenient, and such order and proclamation may revoke and annul, according to their discretion. And be it enacted, that the commissioners, or any of them, may by proclamation suspend the operation and effects of the act of Parliament of the 16th year of his Majesty's reign, for prohibiting all trade and intercourse, or of any of the provisions or restrictions therein contained, for such convenient time as they may think proper. And be it enacted, that the commissioners shall have power to suspend in such places and for such times, as they may think fit, during the continuance of this act, the operation and effects of all, or any of the act or acts of Parliament, which have passed since the 10th of Feb., 1763, and which relate to any of the colonies, so far as the same does relate to them. And be it

enacted, that the commissioners shall have power to grant a pardon or pardons, to any number or description of persons within any of the colonies, and to appoint a Governor in any colony, with such power as heretofore granted to his Majesty."

"PHILDA. April 14th 1778.

Published by an order of the commander in chief

ROB: MACKENZIE, *Sect'y.*"

Respecting this proposal and scheme of the enemy, whether it be genuine from Parliament, or a production of General Howe's, we have only to observe, that it may mislead the ignorant, and alienate the minds of the wavering, unless it is made public, and with its publication such strictures are made upon the probable effect of it as may contribute to place the subject in its true light before the people. We are with the highest respect your Excellency's most obed. servants,

FRANCIS LIGHTFOOT LEE.
JOHN BANNISTER.
T. ADAMS.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, 22nd April, 1777.

MY DEAR SIR: The enclosed resolve is now sent, principally with a view of rectifying some Typhographic errors that the copy formerly sent you contained. I am again in the name of Congress, to desire your Excellency will detain the flour in Virginia, until further directions, that Mr. Commissary Trumbul had sent Vessels from the eastward to remove. The reason you assign of danger from the enemy's cruisers, is conclusive with Congress for staying this provision awhile.

Since I wrote you last, few occurrences have happened worth noticing. Skirmishes often happen, in which we

generally succeed. The enemy with 4000 men & 4 Gen^{l} officers surprised our post at Bound Brook, and carried off a few prisoners with 2 pieces of Cannon. But they quickly retired and not without loss. To revenge this insult, Gen Stephen attacked one of their picket guards and drove it in, killing 7 and making 16 prisoners. It seems to be the opinion of all men, that 10 or 12000 men in the Jersies might quickly decide the fate of our enemies before reinforcements arrived to them. The Eastern Troops are all to undergo inoculation before they join the Army. Our Southern Troops that arrived here are all recovered and recovering from the Small pox, having had the distemper very favorably, and as far as I have heard, without loss. We have accounts just now that 2 of our privateers have taken and sent into Statia and Martinique, nine sail of Transports on their way to N. York—and two Guinea men bound to the West Indies. These transports were to call at the West Indies for rum for the Army, & to avoid as much as possible the Eastern Privateers. Deserters come out in numbers, and say the enemy's army is very sickly, and that the men die fast.

I am with great esteem, dear sir, your most affectionate & obedient,

RICHARD HENRY LEE.

His Excellency, PATRICK HENRY, ESQ.,
Governor of Virginia.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, May 6th, 1777.

DEAR SIR: Having written to you so lately by Express, this chiefly serves to convey my wishes that another Delegate might be hastened here, for the reasons you will see in the inclosed note this moment put in my hands. By a late letter from France, we understand that our enemies have given up their plan of attacking Virginia for the present, in order to gratify their stronger resentment

against New England. However, I greatly question their being able to do much against either, as a French and Spanish war seems inevitable. A curious Act of Parliament has passed, to make our opposition on the land high Treason, and on the sea Piracy. And directing a place of imprisonment in England, until it is convenient to try the offenders. It is an acrimonious and foolish display of Tyranny.

I am, with great respect, dear Sir, your most obedient and very humble servant,

RICHARD HENRY LEE.

His Excellency, PATRICK HENRY, Esq.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, 18th May, 1777.

DEAR SIR: The inclosed infamous Act of Parliament is taken from the New York Gazette, and its authenticity therefore not to be doubted. The question upon this is, whether every State will not pass acts appointing places of security, where the prisoners they may take may be safely kept as pledges for the good usage of our people, or as objects of punishment in the way of retaliation.

In proportion as our enemies lose the hope of subduing us by open force, they endeavor more strenuously to sap us by corrupt influence, and by the wicked machinations of their Tory friends. To put an effectual stop to the proceedings of the latter, will it not be necessary so to provide by law, as that every Tory may be precisely in the same situation if we succeed in this war, that we undoubtedly shall be if the enemy prevail. And what this latter will be, the inclosed Act of Parliament very plainly declares. The point is how to distinguish previously the Whigs from the Tories. I believe by a strict test, and by appointing a General and County board of Commissioners, with small but competent funds to carry on quick correspondence with each other, and to search into the conduct of suspicious res-

idents, and of all unknown passengers or travellers. As you may rely upon it, that Tory machinations are now more wicked than ever, and their correspondence with each other, and their injurious communications not to be doubted, I wish some of the most sensible Whigs in our Assembly would take under consideration what I have here suggested the propriety of. The necessity of completing our Batallion is so obvious, that I suppose the assembly will adopt the plan of drafting recommended by Congress, and if they do, will it not be highly proper to have discreet recruiting officers at every place where the Militia is assembled for the draft, who by clearly pointing out to the young men the advantages of bounty, annual clothes, and land for those that voluntarily engage, may procure a sufficiency on the willing plan. Nor is it a bad argument with them, to shew how safely and easily they are carried thro' the small pox at the public expence, by the present plan of inoculation. Above all things, my dear sir, let us secure the credit of our money by a vigorous taxation. Maryland has done so, and so have the Eastern States, and all must do it to procure public confidence in our funds and the stability of our currency.

Our army is approaching the enemies' lines and promises soon to be active. We have no late intelligence from France, tho' we have reason every day to expect it. Capt Weeks in the Continental ship Reprisal, of 16 guns and 100 & odd men, has taken & sent into Port L'Orient, a Lisbon packet of equal force to himself with three ships that were under her Convoy; and the provisions we have taken at sea, more than compensates for the Danbury loss, since the latter was only 1700 barrels of meat with some flouer & grain, and we have brought in 5000 barrels of meat bound to N. York.

Col. Nelson is gone home ill, so that we three are fixed here to hard service; we deserve compassion and relief. I have no objection to a service however irksome, if it is so contrived that a reasonable relief may now and then be interposed, so as to ease the individual without injury to

the public. We learn lately, that the account of General Carleton's approach to Ticonderoga was premature, and in the mean time a considerable reinforcement has arrived from the Eastward, so that we are no longer in pain for that post.

I am with much esteem, dear sir Yours sincerely,

RICHARD HENRY LEE.

His Excellency, PATRICK HENRY, ESQ.

General Washington to Patrick Henry.

MORRIS TOWN, 17th May 1777.

SIR: When I had the honor of addressing you on the 13th Ult° I flattered myself that tho' the recruiting business did not succeed to our wishes, a sufficient reinforcement would, ere this, have enabled me to open the Campaign in such a manner, as to have recommended the Service to the lower class of people, and thereby to have removed the necessity of compelling them to enlist.—But that Hope has been unfortunately blasted; so that we have only to decide, whether the States shall be loaded with the enormous expense of Militia, with difficulty drawn out, capable only of making a feeble defence, and the war protracted; or the Army Compleated by coercive Methods. For altho' the important season is almost past that afforded the opportunity of crushing the Enemy's power at present here, had I been sufficiently enabled, yet it greatly behoves us, by an instant and vigorous exertion of our strength, to put ourselves into such a situation as to have a good prospect of never being obliged so greatly to hazard our Liberties as we have been. The warmest advocates for Militia and short inlistments must, from the experience of two Campaigns, confess that the important purposes of war cannot be answered, but by men engaged for a length of Time; no substitute can be admitted. What then remains, for us to do. Nothing less than furnishing our full quota of Continental

troops, by any means that will ensure success. Our situation perhaps more critical now than ever, Policy directs that caution should be used in the choice. But whether it should be by an indiscriminate draft, or by making it the interest of the Timid, the Rich, and the Tory to furnish soldiers, at their own expense, in case of themselves and in conformity to the Resolve of Congress of the 14th day of April last, is a subject well worthy the most dispassionate and mature deliberation of your Assembly. Both of these methods have been tried and are Still practiced by some of the States, with better success than simple recruiting—They are however capable of abuse. The former may produce convulsions in the people & their opposition, by the manner in which it is conducted—The latter affords the bad officer too tempting an opportunity of defrauding the Public, by receiving the Reward for men already in the Service, or for some private emolument giving Certificates when no Soldier is furnished; and of greatly injuring the service, by introducing into it Foreigners of no principle, who seize the first opportunity of deserting to the Enemy with their Arms. If the former should be adopted, the men drafted should serve for a fixed time, 3 years at least, & every possible precaution taken against their substituting convicts or foreign servants in their room. If the latter, the Men procured should serve during the war. Here the evil may be effectually guarded. The substitute or exemption from Militia duty, being evidently an Indulgence, may be granted on no other terms than furnishing a native, or a person of some property or connections in the Country. The annexed Return of your Battalions now here, will enable the Assembly to form a good judgment of the number of Men necessary to compleat them to the full Establishment. A well executed law to encourage the taking up of deserters, will greatly lessen the deficiency that appears upon the Returns; which is not occasioned altogether by Deaths, because I am well assured that a Number of the Men (taking advantage of their absence from their companies, occasioned by their being left in Hospitals,) have on recovery gone Home with-

out leave; nor can my most unceasing efforts bring them back; the officers sent upon that duty, shamefully spending their time in Dissipation and Idleness.

I hope the Freedom of this letter will find an excuse in the Importance of the subject, and its length have an apology, when 'tis considered that Consequences of the greatest magnitude are involved in the issue of the present Contest, the management of which demands our utmost wisdom and activity.

I have the honour to be with great Respect,

Your most ob^{t} Servant,

G^{o} WASHINGTON.

His Excellency, PATRICK HENRY, ESQ.

Mrs. Anne Christian to Patrick Henry.

HAW BOTTOM, May 22^{d}, 1777.

MY DEAR BROTHER: M^{r} Christian has, I suppose, informed you of my intended Journey down being stopt, which deprives me of the pleasure of seeing you for a while; indeed our Family & cares increase so fast, that God knows when I shall be able to take another journey to see my dear friends below. Indeed M^{r} Christian is so much abroad that I am more confined on that account. I wish my dear brother could, by any means, be instrumental towards his quitting the public employment that he is engaged in, if it were only for a while, until he could get his affairs brought into some better way than at present. Cannot you assist in doing me this great favor? I am heartily sorry to trouble you on any domestic business, but I know you will excuse me. Some one certainly may be had that would answer as well to act in his place for the future, & at the same time save a whole family from ruin, as his stay at home might yet do; this is the case, & I am sorry to see that he is entering from one thing to another without considering his private affairs, which are almost desperate, & again I must entreat you to have some private conversa-

tion with him. . . . I hope you can find a few leisure moments to oblige a sister who is, & ever will be, Your ever affect.

A. CHRISTIAN.

P.S. Shall I never be so happy as to see you up here. I have much to say but would not trouble you with a long letter, necessity urges me to say the above. A. C.

To His Excellency, PATRICK HENRY, Williamsburgh.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, May 26, 1777.

MY DEAR SIR: If I have contributed in any degree to your satisfaction, or enabled you to combat false news intended to injure the cause of America, I am happy. I love the cause, and I have faithfully exerted myself to serve it well. Provided America be free and happy, I am not solicitous about the agents that accomplish it. For this reason Sir, I look with indifference on the malice of my enemies, trusting that the wisdom of my country will employ in its great concerns, such men only as are of known uniform attachment to the cause of America, and who possess wisdom, integrity, and industry. But it has ever been my wish to deserve the esteem of virtuous men, and to stand well in their opinion. Upon this principle I hope for your pardon when I trouble you with a detail of the lease business. From motives of private ease, and, as I thought, of public good if the same plan were generally adopted in Virginia, I determined some years ago to break up my quarter, and rent out all my lands to a number of industrious men, who might benefit themselves, and ease me of trouble at the same time. As the support of a numerous family depends entirely upon these rents, I was brought to the alarming situation of seeing that family infinitely distressed when the association took place, by the tenants not paying me, assigning for the reason that they could not sell their produce. The present evil was then

great and pressing, and well knowing the determination of Great Britain to push her ruinous system, which would of course drive America into a long and expensive war, that could only be supported by immense emissions of paper money, which falling in value with its excessive quantity would render my small income (but barely sufficient with the greatest economy to maintain my family in the best times) totally insufficient; I did propose to Col. Marshall (who was one of my tenants, and a collector for me in Fauquier) so early as August 1775, to offer, by himself and Mr. Blackwell, to my tenants, such a change of rent as might enable them to pay, prevent my total ruin and at the same time be not injurious to them; since the plenty of money hereafter which might lessen its value, would certainly raise the price of all their produce. This proposition you will observe Sir, was made in August 1775, at a time when emissions of money for this war were scarcely begun, and when of course, the malignant insinuation of my enemies could not have existed with me, that of depreciating a currency not yet in being. And it is worthy of remark, that in Aug 1776 the tenants of London County did themselves petition the convention, (if I forget not) to have their money rents changed to produce. Col. Marshall very much approved the reasonableness of my proposal, and promised to offer the matter to the consideration of the tenants. I returned here to Congress, and Col. Marshall soon after went into the military line, so that nothing, that I know of, was done in this business until march 1776, when yet very little money had been issued, and when of course this alteration could not possibly have had the least effect upon the credit of the paper money. At that time, for reasons already mentioned, I had for more than a year received little or no support from my estate, to the great injury of my family; and being obliged to return here, I engaged Mr. Parker of Westmoreland to go up to Fauquier, and propose to the Tenants to alter the rents to Tobacco at a price mutually to be agreed on. This he did, and returned to me the alterations agreed on by all the tenants near Fauquier Court House, except two or three. It was then

upon two principles that this change took place, first to put it in the power of the tenant to pay me what was then, and might become due, and secondly to prevent thereafter the excessive and partial injury that might be derived to me, from emissions of paper money not then in existence. Would any but bad men, hardly pressed for argument against an innocent character, have misrepresented, and miscalled this absolutely faultless and justifiable conduct, a *design* to injure the public by depreciating the currency! But the truth is sir, that certain evil disposed men hate me, partly for the same reason that I am devoted to destruction in the enemies' camp, because I have served my country with unremitting zeal and industry, and in concert with other generous friends to human liberty and the rights of America, have gone far towards defeating our enemies, and raising America triumphant over its cruel, vindictive, and determined foes. But it seems there are two other charges equally futile and false; the one, that I have favored New England to the injury of Virginia. The other, that as a Member of the Secret Committee I objected to their proceedings being laid before Congress, meaning to insinuate that I wished to conceal embezzlement of the public money!

The wretch who carried, or sent this last account to Virginia, knows perfectly well, that my total abstraction from every commercial concern, renders it impossible that I can propose any kind of good to myself from trading business of any sort. But I have a strong belief that a change is wished, in order to remove obstruction feared from me, and to prepare the way for the execution of private plans, in which the public will not be gainer. The affair alluded to, is, I suppose, a very inconsiderate motion made at Baltimore for the secret committee to lay *all* its proceedings before Congress. I observed, that so extensive a motion defeated the very end for which such a committee was appointed, and might expose to danger valuable cargoes that should be coming in, or that might be going out, particularly the former. The motion was narrowed, and even as it was agreed to Mr. Morris, the chairman of the committee,

who was here at the time, did by letter so convince the Congress of the impropriety of the order as it passed, that nothing more was said about it. We did indeed expect at that very time the arrival of valuable stores that have since come in. The charge of favoring New England is so contemptibly wicked, that I can scarcely bring myself to the trouble of refuting it, or to trespass on your time to read my observations on it. Our enemies, and our friends too, know that America can only be conquered by disunion. The former, by unremitting art, had endeavored to create jealousy and discord between the Southern and Eastern Colonies, and in truth Sir, they had so far prevailed, that it required constant attention, and a firmness not to be shaken, to prevent the malicious art of our enemies from succeeding. I am persuaded as I am of my existence, that had it not been for Virginia and Jersey, with Georgia sometimes, that our union would ere now have been by this means broken, like a Potter's vessel dashed against a rock; and I heartily wish that this greatest of all political evils may not yet take place, before a safe and honourable peace is established. I am sure it will not be the fault of many men that I know, if this event does not happen. I defy the poisonous tongue of slander to produce a single instance, in which I have preferred the interest of New England to that of Virginia. Indeed I am at a loss to know wherein their interests clash. The guilt of New England is that of a fixed determination against British Tyranny, & such I believe is the crime of Virginia in the eye of their common enemies. Most of the rest have entitled themselves to some hopes of pardon from the tyrant, by weak, dividing, irresolute, and pernicious conduct. One thing is certain, that among the Middle and Southern states Verginia has many enemies; arising from jealousy and envy of her wisdom, vigor, and extent of Territory. But I have ever discovered upon every question, respect and love for Virginia among the Eastern delegates. Folly and ingratitude would have marked the Representatives of Virginia, had they shown disesteem for the latter and attachment to the former. I have

served my country Sir, to the best of my knowledge, and with fidelity and industry, to the injury of my health, fortune, and a sequestration from domestic happiness. I shall rejoice to find that others are employed, who will do the business better than I have done. It will always make me happy to reflect, that those Malignants who would represent me as an enemy to my country cannot make me so. I am ready to give my enemies credit for more address than I thought they possessed. I mean the use they make of a good principle under cover of which to wound me. For this purpose the delegates' time of service is to be so limited, as to reward a three years painful employment by dismission. The plan is precisely fitted for my case, and thus the most malicious, groundless, and infamous slander is likely to succeed against an absent man, who has labored to deserve a better fate. You will make what use you please of this letter.

The business of war remains as when I wrote you last, except that the American Army is daily increasing, whilst that of the enemy is only added to by a few Tories as yet, tho' they will I expect in a month or so be reinforced with 8. or 10.000 men from Europe, which will not make them so strong as when they began the Campaign last year, whilst our army will be far more formidable. Gen^{l} Washington has now about 10.000 regular Troops with him, and his numbers daily increasing. As far as we are able to learn, the enemy have not now in Jersey so many as 5000. By accounts just from New York we hear of the death of Governor Tryon of the wounds he received in the expedition to Danbury, and also of the death of Col. Woolcot from the Same cause—This was the Colonel that made such indecent observations on Gen. Washington's proposal for exchange of prisoners. It is said that the officers in N. York are looking grave, and say all hope of conquest over America is now gone, unless they can succeed in dividing us. The inclosed resolve of Congress is intended to prevent injury to the recruiting business and other public service, in the absence of a General officer from Virginia.

I beg your pardon Sir, for the trouble I have given you, and wish to be considered as affectionately yours,

RICHARD HENRY LEE.

His Excellency, PATRICK HENRY, Esq.

Patrick Henry to the Speaker of the House of Delegates.

IN COUNCIL, WMS'BURG, May 27, 1777.

SIR: The board of council being under great difficulty in carrying into execution the resolution of the last assembly, for removing out of the country certain natives of Great Britain, in the said resolution described, they find themselves under the necessity of communicating the matter to the general assembly, for such further directions as the occasion may in their judgment require.

Without loss of time I issued my proclamation, limiting a time for such persons as were the object of the resolution to depart this state. A number of gentlemen (chiefly Scots) procured a ship called the Albion, for transporting themselves to Great Britain. But as a good deal of delay was unavoidable in fitting out the ship, the board occasionally protracted the time allowed those persons to leave the country, and it is only of late that the ship could be got into readiness to come round from South Quay (where she lay,) through the Cesapeake Bay to James river. But unfortunately in making the attempt, she has fallen into the hands of the enemy, and the board conceive it to be totally impracticable at this time to send them out in our own vessels, which yet is the only alternation provided by the resolution, unless it be to treat those gentlemen as prisoners of war; but this, after the endeavours they have manifested, and the expense they have incurred to comply with the intentions of the general assembly, might be thought hard.

The intended passengers have suggested to the council board, a possibility of their getting on board the Albion where she now lies, with their provisions and baggage, and

proceeding on their intended voyage, if they were permitted so to do, but whether such a method would be proper, in case it should be found practicable, appears doubtful.

I have only to add, sir, that a large number of the above persons are now at Sleepy Hole in the city of Nansemond, where they went in order to embark, and where they are directed by the Board to remain till further orders. With great regard I have the honor to be,

Sir, yr. mt. obt. & very h'ble Servt.

P. HENRY.

The HON'BLE GEORGE WYTHE,
Speaker of the House of Delegates.

Patrick Henry to the Speaker of the House of Delegates.

May 27th, 1777.

SIR: A member of the chiefs and warriours of the Cherokee nation are now in this City. They are come here for the purpose of ratifying a treaty of peace, which has been for some time under the Management of commissioners appointed for that purpose by the Executive power of this state, as will appear by the papers lately transmitted to you. If the general assembly shall think it necessary to give any direction for conducting this business, the Executive will pay due regard to the same.

The affairs of these Indians will not permit them to remain here but a short time. With great regard I have the honor to be,

Sir Yr. most obt. h'ble servt.

P. HENRY.

To the HONORABLE GEORGE WYTHE, ESQ.,
Speaker of the House of Delegates.

Patrick Henry to the Speaker of the House of Delegates.

W^m^BURG May 31, 1777.

SIR: As there was no manufactory of Iron in this state which was carried on to such an extent, and to purpose of such vast importance, as Mr. Hunter's near Fredericsburg, I took the liberty of promising him the assistance of the public in the prosecution of his works on a more enlarged plan. In consequence of this Mr. Hunter laid my letter before Mr. John Strode, his manager, that he might enable him to inform me how far his works were capable of answering my expectations. This produced a letter from Mr. Strode, which Mr. Hunter has laid before the council board with a memorial. The subject of these papers was of so much consequence to this state, and Mr. Hunter himself so deserving of the attention of the public, that I thought it my duty to lay them before the general assembly, who alone can enable him to carry on these extensive and valuable works.

What most strongly recommends Mr. Hunter is that he asks for no pecuniary assistance, but merely for materials to work. He requires only what the good of the state most evidently points out, which is to open mines within the same, and not to depend on our neighbours for so necessary an article as iron. With great regard I have the honor to be,

Sir, Yr mo. obt. & very hb'le servt.

P. HENRY.

To the Hon'ble GEORGE WYTHE,
Speaker of the House of Delegates.

Enclosed in Letter of Governor Henry, May 31, 1777.

TO HIS EXCELLENCY THE GOVERNOR, AND THE HONORABLE THE COUNCIL OF THE COMMONWEALTH OF VIRGINIA: The memorial of James Hunter humbly sheweth, that your me-

morialist actuated by the warmest zeal for the good of his country, has with very great labor and expense erected a variety of works, such as forges, steel furnace &c, and begun others, such as slitting, plating, and wire mills, and established factories for fabricating small arms, entrenching tools, anchors, and other things necessary in the army and navy, works evidently essential, not only to the welfare, but to the very existence of the state.

That he has been encouraged to overlook in the prosecution of these works difficulties which seemed to private abilities insurmountable, by assurances from your Excellency of public countenance and support.

That he has been heretofore supplied with pig iron, the basis of all his manufactures, from Maryland; but that this mode of supply, at best an improper as well as unbecoming dependence for a great state, is now exceedingly expensive and precarious.

That nature has made ample provision amongst our selves for these our necessities; but that no advantage can be derived from this circumstance, either to the public or your memorialist, these necessary materials being the property of persons who either have not the power or the inclination to work them. That he has more than once suffered by the enlisting of his workmen, and the pressing of his waggons, and that he dreads the greatest detriment to the public as well as to himself, if he be not secured from such injurious proceedings in the future.

And lastly, that for fuller satisfaction with respect to several matters mentioned in this memorial, your memorialist begs leave to refer you to a letter received by him on this subject from the manager of his works.

George Washington to Patrick Henry, Governor of Virginia.

HEAD-QUARTERS, MIDDLEBROOK 31. May, 1777.

SIR: I this morning received information, which I believe is not to be doubted, that on Saturday last a large fleet consisting of a hundred sail, left New York and stood out to sea. Whither they are destined, or what they had on board, remains to be known. If possessing Hudson's River should not be General Howe's first object, I should suppose his operations will be against Philadelphia, and that this fleet, if they have troops on board, are bound into the Delaware Bay. Though this is my opinion, yet I would take the liberty of suggesting, that it may be expedient to put your militia upon the most respectable footing that circumstances will admit, lest their destination should be more southwardly. At the same time that I mention this I would advise, that they should be immediately supplied with ammunition, or that it be so deposited in the hands of the several committees, or other proper persons, that it may be had upon the most sudden emergency. The former would be by far the most eligible mode, if they would keep it for the purposes for which it was given.

Should this fleet arrive on your coast, and the enemy to penetrate the country, or to make incursions, I would recommend that the earliest opposition be made by parties and detachments of militia, without waiting to collect a large body. I am convinced, that this would be attended with the most salutary consequences, and that greater advantages would be derived from it, than by deferring the opposition till you assemble a number equal to that of the enemy. By pursuing this mode, they would be much annoyed, and would receive an early impression of the unfavorable disposition of the people towards them. Besides they would not have the same opportunity of establishing themselves as they otherwise would; and it may be added, that militia, acting in large bodies, for want of discipline are unwieldy,

difficult to conduct, and less apt to render proportionate services. These hints I take the liberty to suggest and submit to you as worthy of attention. In the course of this week, eighteen transports have arrived at York with troops, supposed to be foreign from their uniform. Whether they are immediately from Germany, or those which were in Canada, is a matter of conjecture. Some have imagined the latter would be called to reinforce General Howe.

I have the honor to be, &c.

GEORGE WASHINGTON.

His Excellency, PATRICK HENRY, ESQ.,
Gov^r of Virginia.

Patrick Henry to the Virginia Delegates in Congress.

WMSBURGH June 20, 1777.

GENTLEMEN: I beg leave to observe to you, that in case that part of Col° Harrison's Regiment which is now enlisted is ordered from this State, Portsmouth must be abandoned, and the Continental Frigates there building be probably lost. One full Battalion of Troops of this State are under orders to march to Jersey, & this makes it absolutely necessary that our Batterys be manned by Col° Harrison's Artillerymen. If Congress will consent to our keeping that Regm^t, consisting at present of scarce 300 men, it will be necessary to direct that the officers observe the Orders of the Executive here.

I must entreat to hear from Congress on this subject soon as possible, & am with great regard,

Gents.

Y^r. Mo. ob^t h'ble ser^t,

P. HENRY JR.

Patrick Henry to the President of Congress.

WMSBURGH July 8, 1777.

SIR: The first Battalion of Troops of this State are on their March to join General Washington, agreeable to a Resolution of the General Assembly. The Troops will I doubt not be under a necessity of Inoculation for the Small pox. This will delay their progress and occasion expense. As the battalion is ordered into the Continental Service, it is not doubted but that the Continent will defray every expense necessarily incurred thereby. I have therefore directed Colo. Gibson, who commands the Battalion, to draw on the Continental Treasury for the necessary sums of money on his march. I have also to request, Sir, that orders may issue for the pay of this corps on the Continental Account. With great Regard I have the Honor to be,

Sir,
Y^r. Mo. obt. & very
h'ble ser^t,
P. HENRY.

Patrick Henry to the Agent of Benjamin Franklin.

WMSBURGH July 15^th 1777.

SIR: Our general Assembly have directed a new Edition of the Laws to be forthwith printed, but I fear it can not be done without providing other Types than what are here. I understand Dr. Franklin left several sorts & sizes of Types with you, & that they are just fit for our purpose. I have to beg the Favor of you sir, to spare them for the above purpose, as I know not where to get others at present. The money shall be paid for them, the Types return'd, or others imported to replace them as soon as it can be done. Which of these methods you chuse, if comunicated to me, shall be chearfully comply'd with by

Sir,
y^r. mo. h'ble Serv^t.
P. HENRY.

George Washington to Governor Henry.

PHILADELPHIA, 4 August 1777.

SIR: The great expense and loss of time, which has attended the recruiting service in most of the States and the little advantage derived from it, have induced Congress to recommend to the executive powers of each, to adopt certain new regulations, for promoting this important and essential business, and for taking it entirely out of the hands of the officers of the army. The resolve on this subject, and the regulations recommended, passed on the 31st ultimo; and will, I presume, be transmitted to you by the President. I will not urge the expediency of carrying this proceeding into immediate execution. I shall only observe that the necessity is obvious, and that it demands our most active attention. The principal cause of my troubling you at this time is, to request that, after the persons recommended are appointed in your State, you would be pleased to transmit to me their names, their places of residence, and those also designed for the rendezvous of recruits and deserters. As soon as I am advised upon these subjects I shall recall all the officers who are recruiting, and order them forthwith to join their respective corps. But before I conclude I would beg leave to mention, that the success of this interesting business, in all its parts, will depend much upon a judicious choice of those who are to be employed in it, and that I think the districts should not be too large and extensive.

I have the honor, &c.,

GEORGE WASHINGTON.

His Excellency, PATRICK HENRY, ESQ.,
Governor of Virginia.

Patrick Henry to the Virginia Delegates in Congress.

Wᵐˢ BURGH Augᵗ. 6ᵗʰ 1777.

GENTLEMEN: I take the liberty to lay before Congress a subject which hitherto has made no part of my correspondence with them. It is of such a nature that I cannot be persuaded to pass it over. The Council advise me to represent it in the following terms.

On the 4ᵗʰ instᵗ I received from Lᵗ Colᵒ Carrington the letter which is sent herewith, desiring me not to appoint any of Colᵒ Harrison's regimental officers in the Virgᵃ artillery. I could not help considering it as a very officious intermeddling, because he did not command the Regiment, & because he thereby tells me not what I ought to do, but what I ought not to do. Add to this, the Congress, the Genl. Assembly of this state, & the executive power here, have constantly proceeded on a different principle. But more especially in the formation of that Regiment, the Congress & executive here called into it a great variety of officers from other corps. It is observable, that almost all the artillery officers & Soldiers that served this State were thrown into that Regiment, among whom the Gentleman himself makes one. For these, and a variety of other considerations, I sent his letter to me inclosed in a blank paper directed to him. A few days before that, having understood the Regiment were very badly armed & in extreme Want of necessarys, I desired Colᵒ Harrison to give me a state of it with a roll specifying the deficiency. He politely attended me from Portsmouth with an account of what was wanted for the main Body at that place. The next day Colᵒ Carrington inclosed his former letter to me in a blank paper, and sent three other loose papers without cover, direction, or signature, other than what you will perceive, for I send them to you.

By these it is apparent the men suffer extremely, & his officious & affrontive interposition is equally evident. After Mʳ Ancram, a lieutᵗ in that corps, was appointed a Capt. in

the Regiment ordered to be levyed by our assembly, he informed me that Col° Carrington ordered him peremptorily to his station at York, at the same time he asked me for my protection. I promised it to him, & have too much reason to apprehend, from Mr. Carrington's former expressions of discontent & dislike to the proceedings of our assembly, & from the above recited particulars, that there will be occasion for it. By his letters it appears he is restrained from leaving his post, although it is not pretended there is the least danger there, and it is certain there is not a due proportion of men to the officers by one half, or near it.

I must now gentlemen take the liberty of making a few observations, with that unreserve which the Nature of this case constrains me to use, & which nothing else would have extorted from me. Col° Harrison's Regiment was not one of those which were to compose the quota of this country. It was resolved by congress to be raised in this state, & several appointments made in Conformity, & never signify'd to the assembly, or to me, except by sending the Resolution, & that not directed to either. However this measure was acceeded to. By so doing our corps of artillery were given up, nor was it done with Backwardness or Reluctance. But if our officers, by this or any other manner, becoming continental, may with impunity forget that Respect which is due to this country, I must beg you will judge of the consequences. Virginia has it is true, like the most, or all of the confederated states, been deficient in the Numbers of troops she was to furnish for the general defence. In order to make it good, troops raised for our particular defense & service have been more than once parted with. But will not these be retained in future, if those of the continent do not behave in a becoming Manner. In short will not—— It is too painfull for reflection. The evils flowing from discord are so many and obvious, that I need not dwell on the subject. Congress have lately desired me, with the advice of Council, to draw warrants on the Continental Treasury here for forwarding that service, in the absence of a general officer. Is it not necessary,

every other consideration apart, that their officers should at least be respectful, if not obedient. I have to request, Gentlemen, that no Time may be lost in laying this matter before Congress. For although I recollect only Mr Ancram, a Lieutenant, & Mr Valentine, a sergeant, that are promoted from Col° Harrison's Regiment in our artillery, & so the recruiting Business can't suffer greatly, yet I shall not be easy so long as the Insult which Government has received passes with Impunity.

Yours &c., P. HENRY.

William Christian to Patrick Henry.

HAWBOTTOM August 12th 1777.

DEAR BROTHER: I received yours by M^r^ Madison, & this day another letter by M^r^ Walker. I would by no means wish you to swop your Ohio Estate away on any account whatever; I cant think of your parting with it, unless to your own children upon the approach of your Matrimonial affair. I wish you Joy of that, as I suppose it will be over before I see you. I have made some enquiry, but no place offers to my liking. I will not cease to try, & there is no danger but you can be suited. If no other way, you shall have this one I live on, & I will be your near neighbor at Town, or go to my James river land, so that you may lay out your Accounts as soon as you please for making preparations to move your estate. I will soon know whether M^r^ Madison will take his own money for the Store House; when he went up he said he would not, but I expected he would if offered to him. Perhaps something more suitable still may offer. Our news from the northward Indians is various. Perhaps this summer may also pass in peace. I have no fear that I shall be driven from here. The 30th of July 4 people were killed on Clinch. I Judge it was done by the Ten Mingoes that were amongst the Cherokees as they returned home. I rec'd the acc° by Express from Col. Cam-

bell, but thought it needless to forward it to the Executive. The greatest want he is at for his Militia is an order for about half a ton of Lead to the mines. I want to stay at Home this month In order to get into our new house, and our work in a good way; next month I propose being down, but uncertain what time of it, in order to settle my money account, & to get an order for running the Indian line, & the money to buy the cows & sheep with. I hope the money could be had at any time, without delaying me in Williamsburg. I wrote by M^{c}kee if my presence was necessary immediately I would go down, but I wish to wait at home this month, & some of next if possible. I am dear Sir,

Y'rs affect,

W^{M} CHRISTIAN.

To PATRICK HENRY, Esq^{r},
Williamsburg.

Patrick Henry to Richard Henry Lee.

W^{MS}BURGH Aug 30th 1777.

DEAR SIR: Many thanks are due to you for your agreeable Favor by post. The fleet went up the Bay long since, & before this you must have heard of their movements. I have not heard of the Troops landing. The whole affair is strange and unaccountable. Our Eastern Shore is alarmed, but not intimidated so much as expected, several Recusants having taken the oath on sight of the fleet. I have ordered some Reenforcements there, viz^{t} 2 Galleys, & 2 or 3 companys of Regulars; & I do think it may be of essential service to throw a large number of men there, if the Enemy form lines from the waters of Elk to Delaware. Graham's draft is not forged. He was very useful to this State in furnishing necessaries on a liberal plan. I hope therefore he may meet with civility and receive his money.

Burgoyne's progress alarmed some, but I hope the N. England men will repel him. The affair of Tyconderoga was mortifying. Hurry obliges me to conclude, begging for all

the Intelligence possible to be had at this critical and interesting period. Farewell, my dear sir,

I am affectionately yours,

P. HENRY.

HON. R. H. LEE,
At the Congress.

Patrick Henry to the President of Congress.

WMSBURGH Aug^{t} 30th 1777.

SIR: I was honor'd with yours covering the Resolutions of Congress for calling into service a number of Militia from different States. I have lost no time, but have instantly sent off expresses to the different Countys mentioned by Congress, ordering one Third of their Militia to rendezvous at Frederick-Town in Maryland.

I beg leave to give you, Sir, my congratulations on the success of our Arms in the North. Be pleased to accept my best respects, & to be assured of the high regard with which I have the honor to be,

Sir,

Y^{r} mo. obedient & very hble Servant,

P. HENRY.

the Honble JOHN HANCOCK, ESQ^{r}.

Patrick Henry to Colonel William Preston, of Botetourt County.

W^{ms}BURG Sep^{r} 1st 1777.

SIR: The Express bro^{t} me y^{r} Favor. I am very sorry to hear of the War which has again broke out. Your orders to the Militia to be in readiness are very proper; and I would have you cooperate with Col^{o} Shelby, who has the Command in Washington of the Forces kept up, & afford him such assistance from Time to Time as the public Danger may require, & y^{r} County be able to spare. Scouts are absolutely necessary. Good ones may be the means of

saving you. I approve Col° Shelby's plan of Defence, & hope it may be executed, as an Expedition over Ohio is impossible now. If the Enemy break into your County, your Defence must be your own Militia. If they are too weak, other Countys must reenforce them. But they must fight if invaded. Col° Fleming will have Directions to co-operate. If Ammunition is wanted send down for it. The Manager at the Mines will deliver Lead; perhaps powder can't be had nearer than Richmond. Col° Southall will deliver it to y^r^ order. I can't make any appointment of regular Officers in y^r^ County as I know not who is proper. Wishing you safety, I am, Sir,

Yr. mo. ob^t^. & very hble servt.

P. HENRY.

COL° PRESTON.

Patrick Henry to George Washington.

WILLIAMSBURG, 5. September, 1777.

SIR: Edmund Randolph, Esq., communicated to me that part of your last letter to him, in which you are pleased to take notice of your lady's reception at this place. I beg you to be assured, that every expression of regard falls far short of that which I feel, and shall retain through life, for such distinguished merit.

You are pleased also to observe, that you have not received any answer from me to your two favors of the 13^th^ of April and 17^th^ of May last. The latter has never been received; the former would have been answered, but really, when I have considered the extent, variety, and importance of the things which occupy your attention, I have been afraid of pestering you with letters. The scheme of embodying volunteers was no more thought of after the receipt of yours, in which it appeared to be against your wishes. In that, as in every military measure, I shall be solely guided by your opinions.

Upon the appearance of the British fleet, about three

thousand militia were embodied. They have shown great alacrity. A third part of the militia of Prince William, Loudoun, Fairfax, Culpepper, Fauquier, Berkeley, Dunmore, and Frederic, is ordered to rendezvous at Fredericktown, in Mary land, and there to await your orders. I have thought it of great consequence to throw some troops on the eastern shore, but it is rather disagreeable to the militia, and, for want of more regulars, two companies only are gone there.

Colonel N. Gist, with seventeen Cherokees, being here, chose also to go over, and is gone. Although a good peace is made with the Cherokees, yet our south-western frontier is much harassed with small parties of Indians. General Hand expects pretty warm work about Pittsburg.

Could any particular assistance be rendered to you by Virginia, at this juncture, I should be made happy. Early intelligence of the enemy's motions may be of the highest moment, should they come down the Bay.

I beg leave to assure you of that perfect esteem and high regard, with which I have the honor to be,

Sir,

Your most obedient and very humble servant,

PATRICK HENRY.

His Excellency, GENERAL GEO. WASHINGTON.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA 8th. Septr. 1777.

DEAR SIR: Nothing new hath happened that we know of since my last. But it seems extremely probable that a general engagement will take place in a day or two between the American Army and Gen. Howe. The Quaker motto ought to be "Nos turba sumus," for if you attack one the whole society is roused. You will see by the inclosed testimonies a uniform, fixed enmity to American measures, which, with the universal ill fame of some capital persons,

has occasioned the arrest of old Pemberton and several others, to prevent their mischievous interposition in favor of the enemy at this critical moment, when the enemies' army is on its way here, with professed design to give this city up to the pillage of the soldiery. They have taken infinite pains, according to custom, to move heaven and earth in their favor, and have transmitted copies of their indecent remonstrances over the country. Congress have, to prevent ill impressions, ordered their several inimical testimonies to be published in one Hand-bill. Altho' nothing can be more certain than that allegiance & protection are reciprocal duties, yet these men have the assurance to call for the protection of those laws and that Government which they expressly disclaim, and refuse to give any evidence of their allegience to. There is no doubt but that they will endeavor by means of the "Friends" in Virginia, to make disturbance and raise discontent there, but this may serve to put you on your guard. We understand that Gen. Howe has put all his heavy baggage, and even his tents, on board ship, and that all his fleet, except a few ships of war, have fallen down to the mouth of Sassafrass, and many of them gone down the bay—The army has three or four days victuals cooked, and by all their maneuvres it seems clear that they mean to urge their way to this place. Genl. Washington is within 6 miles of their main body, and determined not to remove without a battle. By your letter of the 30th last, it would seem that you have not received many letters from me that I have written, not one post since my arrival here on the 12. of August having gone without a letter to you with all the national news, besides one by express. It is really discouraging to write so much as I do, having so little time, and yet my friends not receive my letters. This day Congress has proposed that the Quaker Tories should be sent forthwith to Staunton in Augusta. I hope you will have them well secured there, for they are mischievous people. Should Howe be disappointed here, as it seems very likely that he will, it is more than probable that he will endeavor to do us all the injury in his power as he returns,

and therefore it will be wise to be as well prepared for him as possible—I am dear sir, most affectionately yours,

RICHARD HENRY LEE.

His Excellency, PATRICK HENRY, ESQ.

P. S.—The worthy Baron Kalb desires me to ask your good offices in procuring his baggage to be forwarded, by sending you the enclosed, which shows the route travelled, and where his trunks were left—at Wright's ordinary.

R. H. LEE.

Patrick Henry to Richard Henry Lee.

W^msBURGH Sept 12^th 1777.

Your agreeable favor my dear sir, gave me great pleasure. I rejoice at our success over Burgoyne, & I rejoice because the New England men had so great a share in it. For a malevolent set are continually endeavouring to spread jealousys of these our honest, best, & most faithfull allys. In proportion as I hear them traduced my Esteem for them encreases. I hope now we shall hear no more to their prejudice. Indeed I'm not a judge how far they have lately complyed with the Requisitions of Congress, but only speak of them as they stood when I was a member. My plan was to throw a Body of Troops on the Eastern shore, but the Enemy's ships have made that impracticable in some measure. I've sent pressing orders, & repeatedly, to Col° Gibson to go on, & he will do so whenever the men are able. I laid the Requisition for the Cables &c. before our Navy Board, but their answer is that the size of them is too large. I shall send it enclosed. I am much pleased to hear of the spirit with which the militia turn out. Their ardour is great. We have a few corps of them here, but they are impatient to go home.

Hearing from undoubted intelligence that our lost officers are imprisoned at N. York, & having one Lieutenant and 3 midship men of the Enemy's prisoners here, I've ordered

them close prisoners in gaol by way of Retaliation. I have resisted the first impulses to this measure, but repeated proofs of inhuman Treatment to our people will suffer no longer hesitation.

Seventeen Cherokees with Col° Gist are gone to the Eastern shore with two companys of Regulars. The Ohio Indians are troublesome, & General Hand meditates some offensive measures. As the Defence of this country now rests on the militia, & they cannot be kept constantly embodyed, it becomes necessary for the public safety to receive the quickest Intelligence of the Enemy's motions. I'm not without Hopes that they may be forced to embark again, & in that case they may ravage to great extent, unless there is time for preparation to receive them. I have sent Capt. Peirce to the camp for the sole purpose of gaining Intelligence, & in the mean time shall be exceedingly obliged to you to continue y^r^ agreeable Intercourse, by which I receive so much pleasure, & the public is availed of those Incidents that so much concern it to know.

Wishing you Health, & the
enjoyment of every good thing, I remain
My dear sir,
Your affectionate humble servant,
P. HENRY.

R. H. LEE, ESQ.

Baron Kalb's trunk shall be sought for.

P. S. Lieutenant Col° Carrington having made every concession that was proper, I have to entreat that congress will, if agreeable to them, erase the Resolution respecting him, that nothing to his prejudice may appear hereafter. P. H.

The Navy Board answer they can't without difficulty get Hemp to supply our own little navy.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, Sep 13th 1777.

MY DEAR SIR: On the 11th instant at Chadsford on the Brandywine, about ten miles from Wilmington, we had a most bloody battle with Gen Howe's whole army, which ended, after 4 hours engagement, in the enemies keeping the field and our army retiring. But Gen. Howe may say with Pyrrhus, such another victory will ruin me. Every account of officers and country people, who have been in the field since the action, say the Enemy's loss in killed and wounded must be between 2 & 3000. Nothing proves this more strongly than their remaining yet upon the field of battle, when every interest calls upon them to push on. Our loss in killed & wounded scarcely comes up to 500. The Militia were never engaged, nor was a strong division of our Army much in battle. The Virginia troops have gained immortal honor. No capital offices are lost, and none wounded, except the Marquis Fayette in the leg, & Gen Woodford in the hand, but neither badly. Our army is now, the greatest part, between Darby & Schuylkill, two brigades on this side—all in high spirits & wishing for another trial with the enemy. We are collecting reinforcements with all diligence, & hope yet to give a good account of Gen. Howe. Gen. Smallwood with 1500 Maryland militia is coming fast upon the enemy's rear.

Farewell dear Sir,

RICHARD HENRY LEE.

His Excellency, PATRICK HENRY, ESQ.

William Lee to Patrick Henry.

NANTES 30 Septr 1777.

SIR: Mr. King has communicated to me the authority he has from you, to make an engagement of a commercial kind in behalf of the State of Virginia with any merchant in

France. The short time that circumstances have permitted us to be together, has prevented me from giving M^r^ King that aid in the business which I could wish to have done, & from what I have observed of this Country & People, I am inclined to think M^r^ King will not be able to accomplish such a business, in the time that his affairs will allow him to stay here; for the advancing of £15,000 stir.^s^ is a very considerable object indeed to a French Merchant. I call it an advance, because goods are always bo't here at 4 months, which is a much shorter time than remittances can possibly be expected in. Should it so happen that M^r^ King cannot obtain his wishes, it will give me infinite pleasure if I can be of any service to my Dear Country; but at the same time will not venture to assure you of success, or at any rate that it will be speedy; because I know that it will be a negotiation of some time, & its succeeding at last, will depend on many circumstances; but principally on the Idea that prevails in Europe of the stability of your Government. If any farther attempt is made, I would advise, that the authority should be signed by you as Governor, countersigned by the Secretary of the General Assembly, & the arms or seal of the State affixed to it. This being in the manner generally practised in Europe, will be the most proper to borrow the money of Corporations or bodies of men, which being once obtained, the goods wanted may be easily purchased where they can be cheapest & best had. If the negotiation is in the first instance with Merchants, there will be a chance of its succeeding easier, if you as Governor and y^r^ Privy council from under their hands, individually, engage to be responsible for the payment. These are concisely my Ideas on the subject, & shall only add that at all times you may command my services. As the nature of my employment may sometimes call me a good distance from this, you can always order the Bearer of your dispatches to forward them to me by express or post, as their contents & magnitude may require. The Commissioners of the United States of America at Paris will know always where I am.

With respect to Politics I can only say, that the peace of Europe seems to hang on a nice thread, which being once broke will spread War & devastation over perhaps twenty kingdoms. It is reasonable to suppose that France will never permit America to be again subordinate to Great Britain. The taste she has already had of the sweets of American Commerce, is too important to be easily relinquished. Above 100 Sail of vessels, some very large, will this fall be fitted out from the different ports of France for North America; perhaps as many more from the other ports of Europe, which with your own, will probably give a good spur to Industry, & consequently Independance, with you. However my advice w^d be, for America principally to rely on herself; which will be the surest plan to avoid disappointment. I am with sincere Esteem & Respect,

Sir, y^r most obedient & obliged Humble serv^t.

W. Lee.

P. S.—Cap. Baron has a large number of news papers for you.

To His Excellency Patrick Henry, Esq.

George Washington to Patrick Henry.

Head Qu^rs., 20 Miles from Philadelphia, 3^rd October, 1777.

Dear Sir: I have been honored with yours of the 5^th and 8^th of Sept^r. As you are pleased to make allowance for the great variety of Business that engages my attention, I must plead that in Excuse for not acknowledging the Receipt of your favors sooner. Had anything in the motions of the Enemy seemed to indicate an attack upon Virginia, I should not have delayed one moment in giving you the proper intelligence.

Col^o Thomas Marshall of the 3^rd Virginia Reg^t informs me that the State is about raising a new Regiment of Artillery. He seems desirous of exchanging the foot service

for that of the artillery, as he thinks he could render his Country more service in that line. His mathematical abilities are sufficiently known in Virginia, and he possesses in addition to these necessary qualifications for an Artillery Officer, that of indubitable bravery, of which he has given proofs upon every occasion. Col° Marshall has solicited the command of this Regiment, and requested me to mention, that if the State should please to honor him with it, his leaving the foot service would not be disagreeable to me, it being his choice.

The enclosed recommendation in favor of Capt. Charles Porterfield, at present attached to the 11th Virginia Regiment, was handed to me by the Gentlemen who subscribed it, with a desire that I should forward it to you, and request your interest for the Commission of L^t Col° or Major of the new Regiment of Artillery, if the places are not already disposed of. I cannot undertake to recommend Capt. Porterfield upon my own particular knowledge, but he is universally esteemed by his Acquaintances in the Army, as an officer of very extraordinary merit. He, also, I am informed, has made the military branches of Mathematics his particular study. This Gentleman entered very early in the service of his Country, he accompanied Gen^l Arnold in his expedition to Quebec, at the storm of which under General Montgomery, he was made prisoner.

I shall chearfully Communicate every piece of intelligence, particularly interesting to the State of Virginia, to Cap^t. Pierce, and any other of such nature that may be made public without injuring the service. I therefore hope that thro' him you will be informed of every material occurrence in the Army. He is not about headquarters at present, and as my attention is taken up in planning a matter of great importance I must beg leave to refer you to a very full letter which I wrote to Gen^l Nelson, a few days ago, in which I gave him a particular account of all our late transactions.

The inclosed hand bill contains a full account of Northern affairs; we are very anxious to hear the issue of them.

Gen^{l} Burgoyne seems to be in a fair way of being utterly ruined. Nothing but a successful stroke can extricate him.

I have the honor to be &c.

G°. WASHINGTON.

His Excellency PATRICK HENRY, ESQ.
Governor of Virginia.

Richard Henry Lee to Patrick Henry.

YORK 8th Oct. 1777.

MY DEAR SIR: I must make one general apology for the matter and manner of my letters—the want of time to discharge with propriety an hundreth part of the business with which I am crowded. My eyes fail me fast, and I believe my understanding must soon follow this incessant toil. We have had another general engagement with the enemy at and near German Town—With ours, we attacked their army —The plan was well concerted, and the execution was so bravely conducted, that a most brilliant victory was on the moment of being obtained, when accident alone removed it from us. The morning was so foggy, which with the state of the air keeping down the smoke of the cannon &c, effectually prevented our people from knowing their success, occasioned delay, and gave the enemy time to rally and return to the charge, which they did five several times. But this was not the worst, our right & left columns mistook each other for enemies, and apprehending a fresh reinforcement, gave way too soon to a last effort of the enemy, and quitted a glorious victory absolutely in their power. However, they retired in order, and had so severely handled the enemy that they dared not pursue, and our wounded with everything valuable was brought off. Our army is now upon the ground they left before the battle, in high spirits, and satisfied they can beat the enemy. I hope they will quickly have an opportunity, as the reinforcements from our country have reached the army since the engagement. Our

loss is pretty well fixed to 700, killed, wounded and missing. That of the enemy not certainly known but surely very great, as you may judge by the following intelligence brought this evening by Gen. Green's aid, and which he says may be relied on. Gen[l] Agnew, Colonels Woolcot, Abercrombie & Thos. Byrd (from Virginia,) with General De Heister's son killed. Gen Knephausen wounded in the hand, and between 2 and 300 Waggons loaded with wounded sent into Philadelphia. That Gen Howe had sent about 2000 Hessians over Schuylkill (denoting a retreat,) and that he refused to let any of the inhabitants of Philadelphia go to see the field of battle. Gen. Schyler writes us the 29[th] of september, that if superior numbers, health, and spirits can give success, our army in the Northern department will have it this campaign. For my part, I do not despair of success in this quarter also. Another such battle as the last, will totally unfit Gen. Howe for pursuing further hostilities this campaign, and again possess us of Philadelphia.

Suffer me now, Sir, to recommend to your interest the appointment of the French Artillerists mentioned in our public letter by this express. You may depend upon it that these are masters of the art they profess, and are people of character. They are part, and the better part of General Coudray's Corps, who were returning to France upon the death of that general, but prevailed on to remain until our Country could be consulted about employing them. The terms seem high, but the knowledge they possess, and we want, is to us above price. Some Gentlemen from other States have been applying to them, but on inquiry they like the accounts they have received from Virginia better than any other. Now that we have got from under the protection of G. Britain, it is indispensably necessary that we understand well the use of cannon, and be strongly provided with them. Capt. Loyeaute, whom we propose for colonel of our Battalion of Artillery, is really a man of sience, and not unacquainted with practise, and if he can prevail on the Veteran Sergeants to go with him, we shall gain a competency in that art so necessary, and which we are so unacquainted with.

The inclosed is the substance of the account brought by Gen^{l} Green's aid. Be so good as to present my respects to Mr. Page, and excuse me for not writing to him as I really have not time.

I have a very good opinion of Col Carrington, and would willingly serve him, but I much doubt whether the erasure of the Journal you propose can be obtained, but I will try.

I am very sincerely and affectionately yours,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY, ESQ.

Richard Henry Lee to Patrick Henry.

YORK TOWN 16th Oct 1777.

DEAR SIR: I congratulate you most sincerely on the very important intelligence that I have now the pleasure to inclose you, which came express this morning to the President in a letter from Col Trumbull, the deputy Paymaster General. We every moment expect an Express from Gen Gates with a more full account of this glorious victory—Gen Clinton having received a reinforcement, and knowing Burgoyne's critical situation, was urging his way up Hudson's river to relieve him, and had actually taken Fort Montgomery on the Highlands, after a severe conflict and much loss. Genls. Putnam and Parsons were between Clinton & Albany, with some continental troops & a large body of militia. This last General will now be compelled to return to his hiding place in the Island of York. The enemy have been foiled in various attempts to possess themselves of Fort Mifflin in Delaware, and were lately driven from Province Island by the Gallymen, with the loss of 53 men & 2 officers taken, & a 32 pounder brought there to annoy our Fort. Since the battle of German Town they have evacuated Billingsport, and it is now in our possession, where we have placed some large cannon to stop their ships. The General has sent a party to secure Red Bank,

almost opposite the Fort, so that we have great expectations of preventing the enemy from getting to Philadelphia, in which case, Gen. Howe's situation must be a dangerous one. Our troops are now in possession of the country all round Philadelphia and the enemy, so that their distress for provisions must soon be very great. What the people in Town will do, God knows. Sour flour sells already for 30 / hard money a hundred. In a short time I hope to send you more important news both from this quarter & the north. Our army is in high spirits, and advancing upon the Enemy who are entrenching themselves.

I am with great regard, dear Sir, sincerely,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY, ESQ.

Patrick Henry to the Governor of Cuba.

WMSBURG IN VIRGINIA. October 18. 1777.

SIR: A copy of a letter from his Excellency the Governor of New Orleans, directed to the Congress, and by the president transmitted to me as governor of this commonwealth, informs me, that by the generous indulgence of his Catholic Majesty a quantity of goods have been sent from Spain to the Havanna, and from thence to New Orleans, for the use of this state. I am, therefore, sir, to make the most hearty acknowledgements of the obligations the United States of America, and Virginia in particular, are under to his Majesty, for this mark of his good will towards them. I trust they will ever gratefully remember it, and make no doubt they will amply repay such kindness. We are well acquainted, sir, with the honour, spirit, and generosity of the Spanish nation, and should therefore glory in an intimate connection with it. For I suppose I need not inform your Excellency, that these states are now free and independent, capable of forming alliances and of making treaties. I think the connection might be mutually bene-

ficial; for independent of the beef, pork, live stock, flour, staves, shingles, and several other articles with which we could supply your islands, we have vast quantities of skins, furs, hemp, and flax, which we could by an easy inland navigation, bring down the Mississippi to New Orleans from our back country, in exchange for your woolens, linens, wines, military stores, &c.; and were you once restored to the possessions you held in the Floridas, (which I sincerely wish to see, and which I make no doubt these states would cheerfully contribute to accomplish,) the advantage to us both in a commercial view would be greatly increased. The English, indeed, insinuate, that it would be impolitic in your nation to assist us in our present situation; but you are too wise not to perceive how much it is their interest that you should be imposed upon by this doctrine, and how much more formidable they must be to you with the assistance of America than without it; and you must be too well acquainted with the nature of our states to entertain any jealousy of their becoming your rivals in trade, or overstocked as they are with vast tracts of land, that they should ever think of extending their territory. I shall now no longer intrude on your Excellency, than to entreat you to accept of our warmest thanks for the kindnes your sovereign has shown to our states, and to present them to him in such a manner as may be most acceptable to him, and to beg that you will point out to us, what remittances will be most agreeable for the goods furnished us, and how we shall be able to make the best returns for such favours, as we have received of your nation. This you will be pleased to communicate to me by means of a letter directed to me, which your Excellency will please to send to the care of our agent, Rawleigh Colston Esqr. at St. Domingo.

I have the honour to be &c.

P. HENRY.

To the GOVERNOR OF CUBA.

Patrick Henry to the Governor of New Orleans.

No. 1.

WMS'BURG, Virg.a October 18th 1777.

SIR: I beg leave to present to your Excellency my sincere thanks in behalf of the Commonwealth of Virginia, for your kind reception of Captain Gibson, who was sent down the Mississippi with letters to you from the committee of safety, our late Executive power, and from Major General Lee. The manner in which you furnished us with several valuable articles in consequence of those letters, and your kind application to the Court of Spain in our favour, which we are just informed has been attended to with success, deserve our warmest acknowledgements. I trust sir, the United States of America, and Virginia in particular, will ever gratefully remember this mark of his Catholic Majesty's Royal favour, and will always show how highly they prize the good will of your praiseworthy nation. I shall now no longer intrude on your Excellency than to beg, that you will please to point out to us what remittances will be most agreeable for the goods furnished us, and how we shall be able to make the best returns for such favours, as we have received of your nation. This you will be pleased to communicate to me by means of a letter directed to me, which your Excellency will please to send to the care of our agent, Raleigh Colston Esq. at St. Domingo. I have the honour to be &c.

P. HENRY.

To the GOVERNOR OF NEW ORLEANS.

Patrick Henry to the Governor of New Orleans.

No. 2.

WMS'BURG Virg.a October 18th 1777.

SIR: I humbly conceive that it is an object worthy the attention of your Excellency and of the Ministers of Spain, although the grandeur of your nation does not depend on com-

merce, to secure the trade at least of the Southern States of America, and thereby deprive their ancient and national enemy, the English, of all those vast supplies of naval stores, and many other articles, which have enabled them to become so powerful on the seas. Immense quantities of hemp, flax, skins, furs, beef, pork, flour, staves, shingles, &c., the produce of our back country, might be easily carried down the Mississippi to New Orleans, which place, if it were made a free port, would be resorted to by the French and Dutch, who might take off the tobacco and other articles which Spain would not want for her own consumption. Indeed, if you were once more in possession of Pensacola and St. Augustine, you might enjoy a great part of the trade of our Northern States. If your Excellency should think it would be worthy the attention of your court to cultivate a correspondence with these states through the Mississippi, we would establish a post at the mouth of the Ohio to facilitate the necessary intercourse between us. I have ordered our agent at St. Domingo to apply for some of the stores, which by your kind assistance we understand are lodged there for our use. We have not received your Excellency's letter on this subject, but are informed by the President of the Congress that such letter has been delivered to the committee of Congress. I shall also order a boat down the Mississippi for the remainder of the stores at New Orleans, by which I shall do myself the honor to write more fully to your Excellency.

I have the honour to be &c.

P. HENRY.

To the GOV. OF NEW ORLEANS.

Patrick Henry to General Washington.

WMSBURGH Octr 23d 1777.

SIR: The Militia from Culpepper County were promised by their Colo., that they should be relieved by the last of this Month; and as it is impossible to march a like Number

from Virginia in Time to comply with that Engagement, I trouble you with this, requesting that you will be pleased to discharge them at the Time they were promised Relief, unless they chuse to serve longer.

With the highest Regard, I have the Honor to be,

Sir,

Y^r^ most obedient &

very humble Servant,

P. HENRY.

His Excellency GEN^L^. WASHINGTON.

Richard Henry Lee to Patrick Henry.

YORK, PENN. 25 Oct^r^. 1777.

DEAR SIR: The *slow* but *sure* moving Gates has not yet sent us his glorious Inventory. However, the intelligence of Burgoyne's surrender comes to us through such good channels that we do not doubt its truth, but impute Gen^l^. Gates' silence to his necessary attention to the great business of disposing properly of so many prisoners &c., &c. I lately wrote Mr. Page that the enemy had quitted Philadelphia. This came to us from the D. Quartermaster General, Col. Lutterlock, but it seems the motion of the enemies army was only from German Town, within their lines that cross the common of Philadelphia from Delaware to Schuylkill. The body that crossed Schuylkill when Howe was supposed to be retreating, was 1,500 as convoy to 150 Waggons sent to Chester for provisions. The narrowing their lines, and sending for their provisions, evidences a design to keep Philadelphia if they can. But how they can, the inclosed letter from an Aid of Gen. Green will best satisfy you, for if they cannot get their ships up, it is not possible for them to remain at Philadelphia. I am just now well informed that Gen. Washington intended to move

his army to the Chester side of Schylkill, in order to cut off the enemies' intercourse with their Ships, and the better to aid the Fort on Delaware. That a strong body of Militia will be left above German Town to prevent evil disposed persons from sending provisions to the enemy. I hope Burgoyne's surrender will be followed by that of Howe.

I am dear Sir affectionately yours,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY.

Copy of Major Clark's Letter to General Roberdeau, enclosed in foregoing.

GOSHEN IN CHESTER COUNTY, Oct. 24. 1777. 6 o'clock. A. M.

SIR: A person employed by me to bring intelligence from the Delaware shore, returned last night with the following account.—On the 22nd at 4 in the afternoon, the enemy made several attacks on Fort Mifflin, but were as often repulsed. The cannonade was very severe, and continued till 8 o'clock in the evening. Yesterday morning it was renewed with redoubled vigor. Two large ships endeavored to pass the Cheveaux de Frise, while a brisk fire was kept up from Province Island. A party of 3000 at the same time attacked Red bank, so that a continual fire was kept up on all sides, which lasted from 6 in the morning until 4 in the afternoon without the least intermission; at which time the enemy quitted their ships, having first set them on fire, & they soon blew up. The explosion exceeds any description. Thus ended the day. All things seem quiet this morning. I believe this is their last effort—They will certainly quit Philadelphia. I am also informed a number of boats were manned and made an attempt to land on Mud Island, but were defeated with great loss—Tis said 300 Hessians were

drowned, this I can't credit. I beg leave to congratulate Congress & you on the above, & am with real regard Sir,

Your obedient servant,

I. CLARKE, A. G.

P. S.—One of the ships I am informed is called the Augusta. My Informant says he was an eye witness.

To GEN. ROBERDEAU.

We have detained the Express from Col. Mason to carry the authentic news about Burgoyne.

Mud Island is that on which our fort is placed.

Richard Henry Lee to Patrick Henry.

YORK IN PENNSYLV'A, Oct'r 28, 1777.

DEAR SIR: The anxiety at Williamsburg cannot be greater than it is here, to have a particular account of our late glorious success in the North. For nine days past, we have hourly expected the arrival of a messenger with Gates's magnificent Inventory, and in order to a quick transmission of it, we have detained, and still keep Col. Mason's Express. We now learn that Col. Wilkinson, Adjutant Gen[l]. is on his way with this long wished for Capitulation, by which Gen. Burgoyne and his army have surrendered themselves prisoners of war. Until I can furnish you the authentic detail, I will entertain you with the relation of our late success on the Delaware below Philadelphia. It must be obvious to you how important to the enemy it is, that they sh'd get their fleet up to the City, for this purpose they have made many efforts which have been repulsed with considerable injury to their ships, and loss of men. The last attempt was more powerful, and was as follows—With 1,200 Hessian Grenadiers led by Col. Count Donop, they attacked Red Bank, a post held by a party of Troops under Col. Green of Rhode Island, nearly

opposite to Fort Island on the Jersey Shore. The attack was made by storm, and they had passed the Abbatis, gained the Ditch, and some of them, with Donop and his Aid Major at their head, had passed the Pickets, when they met so warm a reception as to be driven back, and forced to retire with great precipitation, leaving the Count and his Aid with 70 wounded in our hands, and upwards of 70 dead on the spot. 300 muskets with swords, &c., &c., are taken, one Lieut. Col. and some inferior officers of the enemy are among the slain. The routed party returned to Philadelphia, crossing Delaware opposite the City. An attack was likewise made on Fort Mifflin by several Ships of War, and by the Batteries on Providence Island, which was continued long and with great violence. At length the Ships retired, and two of them getting aground (a 64 and a 20) were quitted by the people, after having set fire to them. They blew up with a terrible explosion. Thus the enemy were defeated and disappointed in this general attack. Whether they will renew their attempts I cannot tell, but it is probable they will. That you may have a better idea of this important passage, I have inclosed you a draught, made by Capt. Loyeaute of Gen. Coudray's Corps of Artillerists, the same gentleman whom we have recommended for the command of our Bat'n of Artillery. He is an artist in the business of Artillery, and not unacquainted with the art of the Engineer, and will most assuredly benefit our country much in this necessary department. I pray you, Sir, to interest yourself in procuring the appointment of this Gentleman. At all events it is proper that an answer be speedily sent here, that the Gentleman may not be unnecessarily delayed. There has been pains taken to get this officer in other states, but we have prevailed with him to give Virginia the preference. The United States have a very considerable quantity of field Artillery at present, 30 pieces of which are laying idle at Charles Town in S. Carolina. Suppose Virginia was to direct their Delegates to apply to Congress for 6 or 8 of these pieces, and if they are granted to us, let them be

bro't to our Country, where for the present they may serve to instruct the men with, and be ready for use next Campaign if we should be visited, which I very much incline to think will be the case, since the enemy have been so baffled in the North, as must, I think, discourage future efforts in that quarter. Capt. Loyeaute is of opinion, that it would be quite proper to have that number of Field pieces at the least, for the purpose of instruction, as well as for use in war. There are so many places in our Country that require to be fortified, and the use of Artillery is become so very important in war, that I think we cannot be two well, and too soon, acquainted with this branch of the art of war. These Officers of Gen. Coudray's Corps have only leave of absence from the Court of France for 2 years, and I think it will be very unwise in America not to profit from this circumstance, so as to acquire knowledge of a necessary art which they understand well, and which we are quite ignorant of. Mons. Loyeaute speakes english pretty well, and improves daily. The impatience of the express will not suffer him to remain here any longer, and therefore we are not able to confirm the Northern News. This is the first moment of fair weather since Sunday morning, it having been constant and heavy rain for 4 days and nights past, which has prevented all intercourse with the Army, or from the North. We shall send an Express to you immediately on receiving an authentic account from Gen. Gates, which I hope will be the case in a short time.

I am, dear Sir, most affectionately yours,

RICHARD HENRY LEE.

Oct'r 30th, 1777, 10 o'clock in the morning.

His Excellency, PATRICK HENRY, Esq.

Patrick Henry to George Washington.

WILLIAMSBURG, 30, October, 1777.

DEAR SIR: My great anxiety for the success of the American arms under your command, induces me to trouble you

with this. Accounts from the camp are so various and contradictory that I know not what to rely on. If the weight of public affairs, under which you have so long labored, will permit, a few lines will be most welcome to me.

Although it seems impossible to enlist Continental recruits, yet the zeal of our countrymen is great and general in the public cause. I wish some proper exertions of that spirit were wisely directed to the general good. A hint from you may lead to something important, at a time like this, when most people seem at a loss to fix on the most effectual means of prosecuting the war vigorously. The Assembly is now sitting, and I shall take pleasure in communicating to them any matter you judge proper for their attention.

I beg leave to assure your Excellency, that with the most unfeigned respect, and highest regard, I am dear sir,

Your most obedient servant,

PATRICK HENRY.

His Excellency GEN^{L} WASHINGTON.

The Virginia Delegates in Congress to Patrick Henry.

YORK TOWN Oct. 31st 1777.

SIR: We have the honor and the pleasure to enclose you a copy of the capitulations by which Gen. Burgoyne and his army surrendered themselves prisoners of war. This great affair might have been still greater, if the near approach of Sir Henry Clinton to Albany (where our military and provision stores were lodged,) had not rendered dispatch necessary with General Burgoyne's army. Two thousand brave men under Gen. Stark are gone to Ticonderoga, and Gen. Gates with the main body of his army is moving down the North river to meet Gen. Vaughn, who yet remains about fifty miles below Albany. Two Brigades with the light corps under Col. Morgan, are on their way to join Gen. Washington. Nothing that we know of hath happened near Phila-

delphia, since the enemies' unsuccessful attack on Red Bank and Fort Mifflin, in which two of their ships of war were lost, and Count Donop with some inferior officers and 70 privates made prisoners. A more particular account of which has been already sent to Williamsburg. We have thought it of importance enough to send a particular Express with this glorious intelligence, which we hope will be approved. As the Artillery Officer (Capt. Loyeanté), whom we had the honor of recommending for the command of the state Regiment of Artillery raising in our Commonwealth, is here waiting an answer, we could wish to be indulged with one by return of this Messenger. We are with esteem and respect Sir, your most obedient and very humble servents.

JOSEPH JONES
FRANCIS LIGHTFOOT LEE
JNO. HARVIE
RICHARD HENRY LEE

His Excellency PATRICK HENRY, ESQ.,
Governor of Virginia at Williamsburg.

Arthur Lee to Patrick Henry.

PARIS Nov. 6th, 1777.

SIR: It gave me great pleasure to hear of your health from Mr. King. The great need our immediate country is in of essential supplies, gave me great uneasiness; and more so as I could find no one here disposed to make the advance required. Mr. King exerted himself with great assiduity to the same end, and seems by his attention to business, entirely worthy of the confidence you reposed in him. I hope he will be able to effect something at Nantes; where so much profit is made by our commerce, that it would be very ungrateful not to assist us, upon sure and reasonable terms. The supplies I sent early in the spring from Spain were first

ordered to Virginia; but from receiving advice from the committee of Congress that the eastern ports were the safest, I was obliged to countermand those orders; in consequence of which they were sent to New England, to which all our remittances have been directed. If our state should want a loan of money, I think Spain is most likely to supply it; and as I am commissioned to that court by Congress, whatever commands you may have for me on that or any other subject, I shall obey with pleasure. But being at the same time continued in the commission here, it is not probable I shall quit Paris for some months. Business however can be negotiated here as well as at Madrid, though with somewhat more expense of time. Our enemies are much exhausted and embarrassed by the war, insomuch that as yet they seem to have formed no plan, nor are they making any efforts to provide for the support of another Campaign. Germany will afford them but feeble assistance; and I was assured when I was lately at the northern courts, that there was no probability of their been assisted from Russia. But as the hatred and vengeance which now govern the conduct of this war, will animate the contrivers of it to very desperate efforts, it will be wise to prepare for the worst, and not measure our exertions by the apparent inability of the enemy. It is probable that their last efforts will be, to intercept our commerce by blocking up our ports and rivers.

This with the liableness of our country to be so distressed, suggests the necessity of attending to and encouraging our marine. A few vessels built expressly for cruisers, of such a mould as to draw as little water as possible, of such a length as to sail the swiftest, and carrying though few guns yet those of the heaviest metal, would save our coast from such insults. Their superior weight of metal would subdue vessels of less force, and they would harass and out-sail those of greater force. We lately built one on this plan in Holland, but the impossibility of manning her obliged us to sell her. Our cause gains ground daily in the opinion of Europe, but it is yet uncertain when any of its powers will declare openly in our favour.

I have the honor to be, &c. with great respect your obedient servant,

ARTHUR LEE.

To His Excellency PATRICK HENRY,
Chief Magistrate of the State of Virginia.

Patrick Henry to Richard Henry Lee.

W^mBURGH Nov^r 10^th^, 1777.

I have to make my best acknowledgments to you, my dear sir, for your many interesting letters lately rec^d^. The authority of them served to fix the belief of our late glorious successes, when others seemed to doubt them, producing sundry testimonys from the north which had well nigh set us to mourning. Col Lane to day gave me yours of the 14^th^ October. The matters it contains was highly interesting. Yours to Col^o^ Rich^d^. of the 5^th^ Nov^r^ he has showed me to day. I congratulate you on the events it mentions. Our assembly has been sitting 4 weeks, & not a Bill passed, or anything done. I have dispatched two agents to Carolina in pursuit of Woolens for the grand army. They might have been had some time ago, but tis uncertain now. I propose to draw on congress for the am't. The Goods will be very high, tho' I shall not stand at a small matter. I have it in contemplation to dispatch a messenger to Havanah & Orleans to negotiate a loan of money to Virginia. Pray what think you of it? Pray keep it close, & mention it to no one. Your sentiments may help me out on the subject. Our Credit is almost gone. Twas fatal to omit taxing when you proposed it. Will you send me a copy of a letter rec'd from Orleans by the committee (I believe) of secret correspondence? Gibson's trip may be improved to great purposes. I've proposed to establish a post at the mouth of the Ohio, if the Spaniards will bring the Goods there in their own bottoms. I've sent letters to Havanah & Orleans by an agent who is to try the Experiment of a

Vessell round by sea. If the Northern Army can arrive at Delaware, Howe may possibly be embarrassed, & so a prospect open for that sweet enjoyment of the repose, which your incessant & distinguished labors so richly deserve. I shall tell you of Mr. Loyeauté in a letter to the Delegates, & for that I have so long kept the express. Adieu my dear sir. Comend me to Col° Frank & believe me,

Y^r^ affectionate servant,

P. HENRY.

P.S.—After keeping y^r^ Express till the 15^th^ I send him away at last without the Resolution respecting Mr. Loyeaute. The lower House has resolved to allow that Gent^n^ £450 pr Ann. as director of a military academy to teach Gunnery & Fortification. The Senate has not yet agreed to it, I think they will in a few days, & then shall inform the Delegates of it. The Express will stay no longer.

Y^rs^ &c.

P. HENRY.

Patrick Henry to the Speaker of the House of Delegates.

WMSBURG. November. 11th 1777.

SIR: Pay rolls for the Militia of Kentucky have been laid before the auditors, in order to obtain warrants for payment. The Auditors have scrupled to allow this militia the pay fixed by law for those on actual duty, because they were obliged for their own personal safety and the security of their wives and children, to keep themselves in forts, and remain on the defensive against parties of Indians continually infesting that country, too numerous to permit the inhabitants to return to their plantations. The pay rolls are properly authenticated by the commanding officer under whose orders the men acted. In this state of the case, the advice of the Executive power is requested, and as I am in doubt on the subject, I am to pray sir, to take the sense of the assembly on it. I am

sensible that many instances have occurred similar to this, in which pay has been allowed, and I wish to put a stop to such a practice if it is wrong, and that no doubt of its rectitude may remain if it is proper. It may be observed, that 250 men have been ordered by government from the more interior counties to that place for its protection, the time of whose arrival there I cannot ascertain. I have the honor to be.

Sir Yr. Most humble Servant,

P. HENRY.

The Hon^ble^ GEORGE WYTHE, Esq.,
Speaker of the House of Delegates.

George Washington to Patrick Henry.

HEAD QU^RS^. WHITE MARSH 13^th^ November 1777.

SIR: I was, two days ago, honored with your favors of the 29^th^ and 30^th^ October. I wish it were in my power to keep up a more regular Correspondence with the different States, but being exceedingly pressed by a variety of Business, I am often under the necessity of being deficient in that respect. Since the engagement at Germantown, no material alteration has happened in the situation of the two Armies. Gen^l^. Howe has withdrawn himself close within his lines round Philadelphia, and we have fallen down with the Main Body of the Army to this place about 13 miles from Philadelphia; our light parties are much nearer and cut off all communication between the country and city. I am in daily expectation of a Reinforcement from the Northern Army, and General Howe has drawn the principal part of his force from New York. Happy would it be for the liberties of this country, could a sufficient head of Men be suddenly collected, to give a fatal Blow to the remainder of her oppressors, now drawn together in such a situation that it would be impossible to make a retreat after the Delaware is rendered un-navigable by Frost. Since the Enemy took

possession of Philadelphia their whole attention has been paid to the reduction of Fort Mercer upon the Jersey shore and Fort Mifflin situated upon a small Island in the Delaware. These two posts defend the Chevaux de frize. In an attack upon the former on the 22^{d} last Month, the Enemy lost Count Dunnop and about 400 Men, killed, wounded and prisoners, and the following day in an attack by water upon Fort Mifflin, the Augusta of 64 Guns took fire and blew up, and the Merlin of 18, getting on ground, was burnt by her own people. As their land Batteries against Fort Mifflin had long proved ineffectual, we were in hopes that it would baffle all their attempts, but a few days ago they opened a new Battery within five hundred yards, the metal of which was so heavy, that it has demolished the greatest part of our Works, and I fear we shall be obliged to evacuate it totally. This will be a great disadvantage to us, as the Enemy will not only get up supplies from their Fleet by means of small Vessels, but they will be enabled to annoy our Fleet which lay above the Chevaux de frize. This I think is a pretty exact state of our Military operations up to this time.

As we have no immediate occasion for Col^{o}. Harrison's Regiment of Artillery, I would advise that they should be inoculated as soon as circumstances will admit, and held ready to march when the service requires them.

The recruiting of our Continental Battalions, is a thing of so much importance, that I wish it were in my Power to point out a mode which will fully answer the end. To attempt to enlist on the bounty allowed by Congress, is fruitless, as the amazing sums given for substitutes in the Militia, induces all those, who would otherwise have gone into the Continental service, to prefer a line in which neither duty or discipline is severe; and in which they have a chance of having the bounty repeated three or four times a year. To this fatal source, is owing the ill success of recruiting from one end of the Continent to the other. In my former letters to you upon this subject, I mentioned drafting, as the only feasible method left, and I am still of

the same opinion, but how to make this expedient, disagreeable in its nature and appearance, relished by the people, I will not undertake to determine. There would be a degree of Severity, in obliging the person on whom the lot should fall to serve at all events, and if he was allowed to find a man in his stead, the price which these kind of substitutes for the war would ask for themselves, would in all probability amount to an enormous sum. Thus you see, Sir, there are difficulties on all sides, but I trust, if your Legislature thinks fit to adopt the plan upon the hint I have dropped, that their wisdom will point out a mode adequate to the end proposed and agreeable to the genius of the people, who are to be the objects of it.

There is another matter of as much importance, and no less difficult than the raising of the soldier, and that is the clothing of him. Our importations from abroad are so uncertain, from the number of the Enemy's Cruizers that infest our Coasts, that we can scarcely count upon any supplies thro' that Channel, and the Stock of goods that were upon hand are so nearly consumed, that I look with the greatest concern, upon the sufferings of the soldiers for the remainder of this year; and as for the next I view them as naked, except some measures can be fallen upon to collect from the Inhabitants of the different States part of their Stock of Clothing, which I fear is but scanty. In this State very great collections have been & are now making, and I have sent officers to Jersey, Delaware and Maryland, with the most pressing Letters to the respective Governors, to give what assistance they can in procuring necessaries for their Troops. Blankets, Shoes and stockings are most immediately wanted, but cloathing of any kind would be acceptable at this inclement season, and more especially as we have the greatest prospect of a winter campaign.

I hope you will recommend this warmly to your Assembly, and I am certain that if they would immediately lay a very moderate assessment upon the different Counties, that enough would soon be procured without being felt by the inhabitants, to make the number of men which your State has in

the field, comfortable. But all depends upon its being done speedily, or the season will be past, before the supply arrives.

The time for which the original men of the nine old Virginia Regiments were raised, will expire in February and from that to April; and it is much to be doubted, whether they will reinlist upon the common Bounty, if at all. They will be a loss to the service, as they are seasoned soldiers and well acquainted with their duty. The officers commanding the Regiments, proposed as an inducement to the men to reinlist, to permit them to go home about Christmass and remain there till March. If our numbers would admit of this, or the situation of the Enemy was such that we could conveniently withdraw ourselves into winter Quarters, I would cheerfully comply with their request for the sake of engaging the men again, but I fear they cannot be spared. I mention this, lest your legislature in calculating the number of men wanting to make up your Quota, should count upon the men of the nine Regiments before mentioned, thro' inadvertency.

I have the Honor to be &c.

G°. WASHINGTON.

His Excellency PATRICK HENRY, ESQ.

General George Washington to Patrick Henry, Governor of Virginia.

WHITE MARSH, 13 November, 1777.

DEAR SIR: I shall beg leave to refer you to a letter of mine which accompanies this, and of the same date, for a general account of our situation and wants. The design of this is only to inform you, and with great truth I can do it, strange as it may seem, that the army which I have had under my immediate command, has not, at any one time since General Howe's landing at the Head of Elk, been equal in point of numbers to his. In ascertaining this I do

not confine myself to Continental troops, but comprehend militia.

The disaffected and lukewarm in this State, in whom unhappily it too much abounds, taking advantage of the distraction in the government, prevented those vigorous exertions, which an invaded State ought to have yielded; and the short term, for which their militia was drawn out, expiring before others could be got in, and before the Maryland militia (which by the by, were few in number, and did not join till after the battle of Brandywine) came up, our members kept nearly at a stand, and I was left to fight two battles, in order if possible to save Philadelphia, with less numbers than composed the army of my antagonist, whilst the world has given us at least double. This impression though mortifying in some points of view, I have been obliged to encourage, because, next to being strong, it is best to be thought so by the enemy; and to this cause principally I think is to be attributed the slow movements of General Howe.

How different the case in the northern department! There the States of New York and New England resolving to crush Burgoyne, continued pouring in their troops, till the surrender of that army; at which time not less than fourteen thousand militia, as I have been informed, were actually in General Gates's camp, and those composed, for the most part, of the best yeomanry in the country, well armed, and in many instances supplied with provisions of their own carrying. Had the same spirit pervaded the people of this and the neighboring States, we might before this time have had General Howe nearly in the situation of General Burgoyne, with this difference, that the former would never have been out of reach of his ships, whilst the latter increased his danger every step he took, having but one retreat in case of a disaster, and that blocked up by a respectable force.

My own difficulties, in the course of the campaign, have been not a little increased by the extra aid of Continental troops, which the gloomy prospect of our affairs in the

north, immediately after the reduction of Ticonderoga, induced me to spare from this army. But it is to be hoped, that all will yet end well. If the cause is advanced, indifferent is it to me where or in what quarters it happens. The winter season, with the aid of our neighbors, may possibly bring some important event to pass.

I am, sincerely and respectfully,
dear Sir, &c.

GEO. WASHINGTON.

His Excellency PATRICK HENRY.

Henry Laurens, President of Congress, to Patrick Henry.

IN CONGRESS; Nov. 17: 1777.

Congress having agreed upon a plan of confederacy for securing the freedom, sovereignty, and independence of the United States; authentic copies are now transmitted for the consideration of the respective legislatures.

This business, equally intricate and important, has in its progress been attended with uncommon embarassments and delays; which the most anxious solicitude and persevering diligence could not prevent. To form a permanent union, accommodated to the opinion and wishes of the delegates of so many states, differing in habits, produce, commerce and internal police, was found to be a work, which nothing but time and reflection conspiring with a disposition to conciliate, could mature and accomplish.

Hardly is it to be expected, that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political views of every particular state. Let it be remarked, that after the most careful inquiry and the fullest information, this is proposed as the best, which could be adapted to the circumstances of all; and that alone which affords any tolerable prospect of a general ratification.

Permit us then earnestly to recommend these articles to the immediate and dispassionate attention of the legislatures of the respective states. Let them be candidly reviewed, under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent, divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils, and all our strength, to maintain and defend our common liberties. Let them be examined with a liberality becoming brethren, and fellow citizens, surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together by ties the most intimate and indissoluble. And finally let them be adjusted with the temper and magnanimity of wise and patriotic legislators, who while they are concerned for the prosperity of their own more immediate circle, are capable of rising superior to local attachments, when they may be incompatible with the safety, happiness and glory of the general confederacy.

We have reason to regret the time which has elapsed in preparing this plan for consideration. With additional solicitude we look forward to that, which must be necessarily spent before it can be ratified. Every motive loudly calls upon us to hasten its conclusion.

More than any other consideration it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value of our money, enable us to maintain our fleets and armies, and add weight and respect to our councils at home and to our treaties abroad. In short this salutary measure can no longer be deferred. It seems essential to our very existance as a free people; and without it, we may soon be constrained to bid adieu to independence, to liberty and safety; blessings, which from the justice of our cause, and the favor of our Almighty Creator, visibly manifested in our protection, we have reason to expect, if in an humble dependence on his divine

providence we strenuously exert the means which are placed in our power.

To conclude, if the legislature of any state shall not be assembled, Congress recommend to the executive authority to convene it without delay: and to each respective legislature it is recommended, to invest its delegates with competent power ultimately in the name and behalf of the state, to subscribe articles of confederation and perpetual union of the United States; and to attend Congress for that purpose on or before the tenth day of March next.

By order of Congress.

HENRY LAURENS, *President.*

His Excellency PATRICK HENRY, ESQUIRE.
for the General Assembly In the State of Virginia.

Richard Henry Lee to Patrick Henry.

YORK, the 24th Nov^{r}, 1777.

MY DEAR SIR: I am just favored with yours of the 14th and thank you for it. Every attempt to clothe the army is commendable, upon principles both of humanity and policy. As there is great Trade at Charles Town, you have some chance for the woolens you want, altho' this is the worst season for application on account of the many negroes they have to clothe in that country. Either the Havannah or New Orleans are places where you may surely get Woolens and military stores. Doctor Lee's letters have repeatedly assured us that at these places would be lodged the above articles for N. America, in general, and Virginia in particular. Small swift sailing vessels sent to the former of these places from Virginia or North Carolina, freighted with fine flour or Tobacco, would not fail to return loaded with necessaries, and by pushing into some of the Inlets on the sea coast of North Carolina, might avoid the British cruisers that infest our Bay, and the goods be safely bro't over land. This appears to me the most expeditious and the most

certain way. By this method, the blankets and clothes might yet be in season to help the Soldiers before winter is over. With respect to the loan of money at the Havannah or N. Orleans, I am not able to form a judgment whether it can be effected or not; the latter most probably, because Dr Lee was to get but a small sum immediately from Spain for Congress, altho' he expected a larger credit from Holland thro' the mediation and security of Spain. Add to this the great probability of immediate war in Europe, from which Spain will not be detached. I remember Dr Lee, in many of his letters to me previous to his visit to Spain, said he should endeavor to negotiate a loan from that Court for Virginia and South Carolina—to support (as he said) the credit of our paper money. Since his return from Spain he only mentioned cloaths and military stores that would be lodged at Havannah and Orleans for our use. For the purpose of securing the credit of our money on a great emergency, it were to be wished a credit could be obtained as you propose, and therefore I think it would not be amiss to make the experiment. As for goods they may be had in the way of Barter. Indeed, I understood Dr Lee, that the military stores and cloathing would be delivered with't immediate pay of any kind. We formerly sent you the contents of a letter on this subject to Congress, which is all that has been received, unless it be a Spanish Letter from the Governor of N. Orleans which Mr Morris took away to get translated, and it has not yet been returned. You shall have it when we get it. Mons. Loyeautè declines the Directorship of the Academy. He is a young Gentleman of high family, of fortune, and ardent in pursuit of military glory. His father, who is a General in the Artillery of France, has taken pains to instruct this his son from his earliest youth, and he is, you may be assured, a Proficient. He is sober, temperate, as a soldier should be, and seems to have none of the fashionable vices. He says he came not here for money, but to search for military honor, to assist America in establishing her freedom, but since he cannot be employed in that way, he shall return to his own country, the business of an

Academician better suiting Age and infirmity with views of distant good, than youth and strength, and prospect of present action and immediate benefit to the public. I am concerned we have lost this Gentleman on many accounts. I am sure my country will suffer for want of the knowledge he possesses. And the rejection of him happened at an unlucky crisis. All the rest of his Corps had just set out on their return to France, because Congress would not comply with the contract Mr. Dean had firmly made with them in France, and which had disgusted them greatly. This Gentleman remained at our request, and altho' our engagement was not absolute, it was very strong, kept him from returning with his companions, and I fear will impress on all their minds bad Ideas of the Americans, and do us no service in France. This is well known here, and the Delegates look rather small in the eyes of their bretheren. I am sure we acted for the best, well knowing the utter deficiency of knowledge in this branch with us, its necessity, and having the best grounds for believing this Gentleman an Adept. It is certain we went rather too far, I am sorry for it, but we shall be less forward in the future. Since I wrote last, the enemy have taken Fort Island, after a most gallant defence on the part of the Garrison, which retreated from the Island in the Night after all but two of their Guns were dismounted, and not more than a rod and a half of their works left. The enemy brought over their Culdown Indiaman between Province Island and them, from which they poured a most dreadful Cannonade from 24 and 32 pounders, and from their Tops the fire of Cohorns and Musketry drove the men from their guns in the Fort. The better opinion yet is, that the enemy cannot get their Fleet up to the City until they first remove the Gallies, the Cheveaux de Frise, and reduce Red Bank. To effect this latter purpose, we hear Cornwallis with his men has crossed into the Jersies, and that our Army is gone down to attack their lines now weakened by such a powerful reinforcement sent away. If so, we may expect important news in a day or two. One Brigade from the Eastern Army, with Morgan's Corps, have

lately joined Gen. Washington—20 Regiments are ordered from Gates's Army. The Rhode Island expedition went no further than Providence by the misconduct, 'tis said, of old Spencer. There will be an inquiry. Our last intelligence from the West Indies which covers news from France the 4th of Sept., gives us abundant reason to think that a war between France and G. Britain is on the verge of taking place, if it has not already done so. The F. Amb'r is ordered to demand all F. Vessels taken by England without the limits prescribed by Treaty, and to retire from the Court if the demand was not complied with. The Governors in the F. Islands are ordered to be in readiness for war, and to lay an Embargo on all Vessels bound to Europe to prevent their falling into the enemies hands—5000 additional Troops are to be immediately sent to Martinique and Gaudaloupe. Portugal has acceeded to the Family Compact—Dr. Lee is returning from Prussia, having finished his business successfully at that Court. The king of Prussia has opened his Ports to the Vessels of the United States, and Mr. Carmichael writes, that a ship loaded with Tobacco to Embden would be attended with satisfactory consequences. The Cargo would be returned in manufactures very useful to us, and 15 or 20 pr. cent cheaper than from France. Can't we try this experiment at the proper season, which may be known by the commercial Dictionaries. We expect daily to receive important news from Europe. My ill state of health, produced by bad water, air, and excessive business, will compel me to return home in a few days for the severity of the winter season.

I am, with sentiments of affectionate Esteem and regard, dear Sir, yours,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY,
Govr of Virginia.

Virginia Delegates in Congress to Patrick Henry.

YORK IN PENNSYL VA. Novr 27th 1777.

SIR: Conversing with Monsr Loyeaute, on the subject of what you are pleased to say the assembly have in contemplation for him, we find the plan quite the reverse of his wishes, and inconsistent with his ideas of being personally and quickly useful in the field. Of good family, and early trained to war by his father, who is a general in the Artillery of France, he wants to be in action, and hopes to acquire glory by the good services of himself and the Corps he shall instruct. The probability of the war going south next Campaign, and the character he had learnt of Virginia, made him readily agree with the views of the Delegates to remain behind his Companions who are returning to France, in expectation of serving our country by introducing the knowledge of Artillery, in a manner consistent with his ideas of military character. We may yet avail ourselves of this Gentleman's abilities as you will see by the enclosed proposition, which we pray you, Sir, to lay before the honorable Houses. We have many reasons for wishing this plan may meet with approbation. Because we are well convinced of its public utility. Because of the generous cordiality with which this gentleman accorded with our proposals, contrary to earnest solicitations of his countrymen to the contrary, and of others who wanted him to go to other States, and whom he has offended by giving ours the preference. And because, lastly, he is here left behind the rest of his Corps, who were departed before your answer arrived here. As Monsr Loyeauté has been informed that the number of British Cruisers in the Bay of Boston renders it difficult to get safely out of that Harbour, he has agreed to accept the invitation of R. H. Lee to pass some time with him at Chantilly this winter, so that if the Houses accept his proffered service, a letter sent to him there, will occasion his immediate attendance in Williamsburg. He is of opinion that for the business of instruction it will be quite

proper that we should be provided with six field pieces, and as there are many belonging to the Continent now laying idle at Charles Town, we have no doubt but that Congress will indulge our Commonwealth with six or eight pieces on application being made by desire of our Assembly.

We have the honor to be sir, your Excellency's most obedient and most humble servants,

RICHARD HENRY LEE.
JOS: JONES.
FRANCIS LIGHTFOOT LEE.

His Excellency PATRICK HENRY Esq.
Governor of Virginia at Williamsburg.

Patrick Henry to George Washington.

WILLIAMSBURG, 6 December, 1777.

SIR: Inclosed I have the honor to transmit you an account of necessaries sent off in nine wagons, for the Virginia regiments in Continental service. The goods have been delivered to Colonel Finnie, the quarter-master, and he has put them under the escort of Lieutenant Mennis and a party of soldiers, who, I trust, will deliver them safely. It is my wish that the troops of Virginia shall have them. I also send a list of some other articles, chiefly linens, that will shortly set out from our public store, for the same uses.

Added to this supply, fifteen thousand pounds worth of woollens, &c., proper for the soldiers, will set out from Petersburg in a few days. These last are procured under an act of Assembly, empowering me to seize necessaries for our troops wherever they may be found. I have given orders, in consequence, to proper persons in different parts of the State, which I expect will produce many necessaries, if not enough for the Virginia troops. Orders are sent to both Carolinas for blankets, particularly, and soldiers clothes; and nothing, possible for me to effect, will be left undone, in getting whatever the troops are in want of.

I should be more particular as to the goods seized, but the Commissioners have as yet sent me no distinct account of their proceedings. If it happens that the wants of your army are supplied in any short time, I beg to know it, that the execution of the present law for seizing goods may be stopped. I take the liberty to send under cover to your Excellency, two letters from France to the Marquis de la Fayette. One of them is from his lady, I believe. I beg to be presented to him in the most acceptable manner. I greatly revere his person and amiable character.

The lenity of your publications respecting deserters is very apparent. But nevertheless, a great many of them are yet skulking on the Eastern Shore, and really I think their case peculiar. Their officers took up the general opinion that their service would be confined to that shore, and promised them to remain there. Their desertion followed upon orders to march away. I beg leave to observe, that if your Excellency would offer them a pardon upon their enlistment to serve this State, it would forward the general service by enabling us to spare so many more troops for the Grand Army. I beg leave to assure you of the highest esteem and regard, with which I have the honor to be, Sir, your Excellency's

Most obedient and very humble servant,

PATRICK HENRY.

His Excellency GEORGE WASHINGTON.

Patrick Henry to General Washington.

Wm^sBURGH Dec^r 9^th^ 1777.

SIR: An act of the general assembly passed last year empowering me to appoint some proper person to reinlist the Virginia Troops. I did appoint General Stephen, & several Letters past between us upon the subject, and by an Extract of a Letter from him to me, which I inclose, it appears considerable progress was made by him in that Business.

I have heard that General Stephen is no longer in Service; and I trouble your Excellency with this, requesting the Favor of you to be pleased to give me, soon as possible, a state of the Inlistments that are made of those Troops, that some means may be thought of for supplying such Deficiency as may happen by the refusal of some of the men to reinlist. In the mean Time, in order that the Business may not be totally stopped, I have written to Generals Woodford, Scott, Weedon, & Muhlenburgh, to proceed in finishing so much of that Work as General Stephen left unfinished.

As this matter is of great Importance to the service, I wish for its completion very much, and should be obliged to your Excellency to inform me whether you think any other plan can be adopted more likely to succeed.

I was honor'd with a confidential Letter from your Excellency for which I return you my Thanks.

Perhaps if the state of the Virginia Regiments was known to the Assembly it might induce some Measure for recruiting them. With the highest Regard I have the Honor to be,

Sir,

Your Excellency's most Obedient & very humble servant,

P. HENRY.

His Excellency GENERAL WASHINGTON.

[Enclosure.]

Extract of a Letter from General Stephen to his Excellency the Governor of Virginia, dated Chatham April 12th 1777.

"I have inlisted all the Virginians as far as my Money went. Applyed to General Washington for some for that purpose, his Excellency Sent me Word he would send it in a Short Time."

George Washington to Patrick Henry.

HEAD QUARTERS WHITE MARSH, 10th Dec'. 1777.

SIR: I was honored with yours of the 22d ult° on Wednesday last, but the situation which the Army has since been in has prevented me from answering it before.—Gen. Howe had been for some time preparing for a move, which every account from the City informed me, was intended against this Army. On Thursday evening he advanced as far as Chesnut Hill, and in the morning he appeared upon the Heights about three miles in our front. There was a small skirmish between the Enemy's advanced Corps and the Pennsylvania Militia, in which Brig' Genl. Irvine of that State was unfortunately wounded, thrown from his Horse and taken prisoner. Having reconnoitred our situation all that day, and I suppose not liking the appearance of our right wing, they moved on Friday night about three miles to our left. They lay still on Saturday, and on Sunday about noon intelligence was brought, that they were in full march towards our Camp. As soon as they began to move, Col° Morgan with the light Corps under his Command and the Maryland Militia attacked their right flank, and I am informed did them a good deal of damage, considering the number of men that engaged. About sun-set they halted again, their left wing being about one mile from our line. From this manœuvre I expected an attack in the night, or by day break, and made disposition accordingly. On Monday afternoon they began to move, but instead of advancing they filed off from their right, and the first certain account that I could obtain of their intentions was that they were in full march towards Philadelphia; I immediately dispatched light parties after them, but such was the rapidity of their movements, that they could not come up even with their rear.

I am pleased to hear of the arrival of Cloathing in Virginia, which tho' not very great will be very acceptable, as far as it will go. I beg that whatever you can spare may be im-

mediately sent forward to the Head Quarters of the Army. wherever that may be, and I have no doubts but we can get the Cloaths more readily made up by the Taylors of the Army, than you can in the Country. I observe that there is a small supply of Cloth suitable for the Officers. I would be extremely glad if that could be sent up for the use of those who remain in the Field, and not delivered out to those, who under various pretences, will find means to winter at home. I hope the Gentlemen who are appointed in your State to make a collection of cloathing for your Troops will exert themselves; for altho' large quantities are ordered from Europe, the arrival is so precarious, that we ought by no means to put a dependence upon a supply thro' that channel.

I have not yet seen the Director General of the Hospitals since the receipt of your letter. I cannot say what may be his wants in the medicinal way, but I dare to say that a supply of any of the Capital Articles will be very acceptable to him. I expect him here in a day or two, when you shall hear further from him or me upon the subject. I have the honor to be &c.

G°. WASHINGTON.

His Excellency Gov^r PATRICK HENRY.

Patrick Henry to Richard Henry Lee.

W^msBURGH, Dec^r 18^th, 1777.

I am favored, my dear Sir, with y^rs from Baltimore to-day, & with that from Potomack yesterday. The Governor of Maryland was requested by me, to send some Galleys to join two of ours, that had orders to prevent, if possible, the evil designs of the enemy on that River. The Assembly took up the subject & desired this plan to be prosecuted. I hope it will answer. Every one here seems persuaded that watering is their object in that Quarter.

I wish I could inform you of anything satisfactory on the subject of Mr. Loyeauté. I really did desire to serve him as you wished, & did recommend him in a public address to the Assembly, as well as confidentially to some. But General Washington's recommendation of Colo° Marshall stopped my mouth. His last proposition is now before the two Houses, & what its Fate may be I cannot tell. Time will not permit the discussion of many matters that wait, & have long waited for a decision. Can you think it? Not one law of importance is passed. It is resolved I hear not to adjourn for Xmas, but to remain 'til the Business is finished. In this suspense, when matters of vast concern are on the Tapis, your Friends think the general interest of America, & the welfare of this state, call you here. I should think so too, did I not know that your whole time & attention have been bestowed on the American contest since its first beginning. Fine parts are seldom join'd to industry, & very seldom accompany such a degree of strength & toughness as your long combat with Torys required. I know how necessary a little repose is to you. Tis cruel to deny it. But I cannot help fearing that our country may date the Era of calamity at the time you are absent from the public councils. The Confederation is passed they say nem. con. though opposed by some who opposed Independency. This I hear, & I hear other things, tho' I shall forbear to enlarge, because I still entertain some hope you will be here to see & to hear for yourself, & by seeing & hearing, once more eminently serve the cause of Whiggism & your country.

I hear this Evening that Col° Frank has written some body in Town, that Gen¹ Howe has marched to attack Gen¹ Washington. I hope our encampment is well fortify'd. I've no news to write you, except that a Shawanese chief & 3 warriours are killed while on a visit at Point Pleasant, the fury of our people being ungovernable, on seeing the body of one who was slain by the Indians brought into the Fort—From the late intelligence a well grounded

Hope seems to be deduced, that a French War must soon happen.

I beg you to be assured that with great affection I am,

My dear friend,

Yours ever,

P. HENRY.

To RICHARD HENRY LEE, Esq., Westmoreland.

George Washington to Patrick Henry.

Camp 14 miles from Philadelphia, 19th Decr. 1777.

SIR: On Saturday evening I was honored with your favor of the 6th instant, and am much obliged by your exertions for cloathing the Virginia Troops. The articles you send shall be applied to their use, agreeable to your wishes—It will be difficult for me to determine when the Troops are supplied, owing to their fluctuating and deficient State at present. However I believe there will be little reason to suspect that the quantities that may be procured, will much exceed the necessary demands. It will be a happy circumstance, and of great saving, if we should be able in future to cloath our Army comfortably. Their sufferings hitherto have been great, and from our deficiencies in this instance we have lost many men and have generally been deprived of a large proportion of our force. I could wish you to transmit the price of all the necessaries you may send from time to time. This will be essential, and the omission upon former occasions of the like nature in the course of the war, has been the cause of much uneasiness and intricacy in adjusting accounts.

I am persuaded that many desertions have proceeded from the cause you mention. The officers were highly culpable in making such assurances—The expedient you propose might, and I believe would bring in Several, but I cannot consider myself authorized to adopt it.

The Letters for the Marquis were sent to his quarters as

soon as they were received. I shall present you to him according to your wishes. He is certainly amiable and highly worthy of esteem.

I have nothing material to inform you of, Except that we are told by the Boston paper that a Ship has arrived from France at one of the eastern ports, with Fifty pieces of Brass Artillery, 5,000 Stand of Arms and other Stores. There are letters also which mention her arrival, but not the particular amount of the Stores.

I have the honor to be, with great respect and regard, Sir, Your most ob^{t}. Serv^{t}.

G^{o}: WASHINGTON.

His Excellency, Gov^{r} PATRICK HENRY.

P. S. I sent the Express on to Congress, which occasioned me to write by this Conveyance. I wrote you on the 13th ulto. two Letters—One a private one. I am fearful and uneasy lest they should have miscarried, as you have not mentioned the Receipt of them.

George Washington to Patrick Henry.

HEAD QUARTERS, VALLEY FORGE, 27th Dec^{r}. 1777.

SIR: On Wednesday I had the Honor to receive your letter of the 9th Ins^{t}. I have directed a compleat State of the Virginia Troops to be made, which if done, and I expect it will, I will transmit by the next post. From it you will be able to discover the Amount of the whole, their deficiency, how many of the old men have reinlisted &c.

I do not recollect ever to have heard that General Stephen was employed, or that he had interested himself to reinlist the Troops, before the receipt of your Favor. But however this may have been, It is evident his success was not very great, or by any means equal to what his letter of the 12th of April professes. This you will readily conclude from an Inspection of the return, especially when you are

informed that most, if not every man reinlisted, have been engaged within the course of a few weeks past, by the Exertions of their Gen^{l}. and other officers in consequence of my orders. As an inducement to this desirable end, the officers were authorised to promise a Furlough to such as would re-engage till March, & I hoped the measure would have been attended with more happy effects than it has been. I really do not know what plans will be most likely to succeed for filling your Batallions, or those of the other States. It is an object of infinite, Indeed of the last importance, and must be effected if possible. All the difficulties we are now involved in, are the result of the fatal, ruinous policy, of temporary and short enlistments.

In several of my late letters I addressed you on the distress of the Troops for want of Cloathing. Your ready exertions to relieve them have given me the highest satisfaction. At the same time knowing how exceedingly the service has been injured, How great the sufferings and loss of Men thro' this want, I cannot but hope every measure will be pursued, that circumstances will admit, to keep them supplied from time to time. No pains, no efforts can be too great for this purpose. The articles of Shoes Stockings and Blankets demand the most particular attention, as the expenditure of them from the operations and common accidents of war, we find to be greater than articles of any others. I assure you Sir it is not easy to give you a just and accurate Idea of the sufferings of the Troops at large. Were they to be minutely detailed, the relation so unexpected, so contrary to the common opinion of people distant from the Army, would scarcely be thought credible. I fear I shall wound your feelings by telling you that by a Field Return on the 23^{d} Instant, we had in Camp not less than 2898 men unfit for duty by reason of their being barefoot and otherwise naked. Besides these there are many others detained at the Hospitals and in Farmers houses for the same causes. I will no longer dwell upon the melancholy subject, being firmly convinced that your views and most studious care will be employed to render the situation of

the troops,—both officers and privates, comfortable in future. If the several States direct their attention to this indespensably essential object, as I trust they will, I have the most sanguine hopes, that their Supplies with those immediately imported by Congress themselves, will be equal to every demand.

I have the honor to be &c.

G°: WASHINGTON.

His Excellency, PATRICK HENRY.

George Washington to Patrick Henry.

HEAD QUARTERS VALLEY FORGE, 3d January 1778.

SIR: Col° Innes having staid a few days longer than he expected, it affords me an opportunity of inclosing you the returns of the Virginia Reg^ts which I promised in mine of the 27th December. I refer you to Col° Innes for more full information than I have given you by letter, of matters relating to the Virginia line. A valuable prize has fallen into Gen^l Smallwood's hands near Wilmington. I have not the particulars of her whole Cargo, but there are three hundred chests of Arms besides many other useful articles.

I have the honour to be,

Sir, Your Most Ob^t. Serv^t.

G°: WASHINGTON.

His Excellency, PATRICK HENRY.

The Marquis de La Fayette to Patrick Henry.

CAMP NEAR THE VALLEY FORGE the 3d January 1778.

SIR: Give me leave to make you my thanks for the civilities which I received from you in one of your letters to his excellency Gen^l Washington. I am very happy to find this occasion of telling you how I am desirous of being ac-

quainted with you, and how much I wished to deserve your esteem. I am highly sensible of all the advantages I obtained in being intrusted with the command of a Virginia division, and I dare entertain the idea that such a favor will entitle me to some connexion with that State. I hope that Virginia will be satisfied with the conduct of those of her brave sons I'l have the honor to fight with—Glory and prosperity are sure to attend your country, and she will receive a new splendor by that hero who is born in her bosom for the happiness of America and the admiration of the world.

I have heard with the greatest pleasure that Virginia had taken the most fine and useful resolution of compleating her regiments in the army immediately, in order to have them ready for the next so interesting and perhaps decisive campaign. I wish such a step could be followed by all the States, and thus we could depend upon a very respectable army. Our cloathes are, I am told, arrived in Yorktown, and I desire very heartily to see them in camp. As officers will be useful for bringing here the men who are to be sent, I desired (according to our General's orders) those who are gone home to mention their arrival to your Excellency, and take your directions to know if they can be of some use when they'l come again to the army at the end of their furloughs.

Receive, sir, my sincere thanks for the trouble you have taken in sending me some letters from France. Is it not very uncivil to be importuned upon the least matter?—but I have heard from a gentleman in Hampton who is recommended to me and is just now arrived with a parcel of letters—his vessel has been sunk by some English frigate, three men only have escaped, he did not save anything but a trunk and a bag which, he says, have been broked and plundered ashore—he seems in great distress. I take the liberty of giving to him some hopes by the enclosed letter that you will be so good as to order some notice to be taken of him. I desire him also to direct his dispatches to your Excellency in case you would give yourself

the trouble of sending them to Gen^{l} Washington, as you have done for the others. I beg you, sir, to receive my thousand very sincere and humble excuses for making myself so free in the first letter I have the honor to address you. This liberty will increase yet my obligations, and I wished to be able to convince you of all the gratefulness I entertain for your kindness towards me.

With the greatest desire of your acquaintance and ambition of your esteem, with the most sincere respect I have the honor to be

Your Excellency's the most obedient servant,

THE MARQUIS DE LA FAYETTE.

His Excellency, PATRICK HENRY.

In case the gentleman would be in any want of money I dare hope you would be so kind as to order some to be given to him for me.

Richard Henry Lee to Patrick Henry.

CHANTILLY the 7th of Jan^{y}. 1778.

MY DEAR SIR: The state of my health has hitherto by no means permitted me to leave home any distance, or I should certainly have obeyed your summons—I hope however, in a few days to be able to pay my respect to the general assembly. It seems the determination of Providence, whose superintending care of Virginia has been evident from the origin of our country, that we shall not want the great and necessary security which is derived from a well formed Artillery. The Bearer of this is one of those Veteran Sergeants of Artillery, whom you see made mention of in the Delegates' engagement with Mons^{r}. Loyeauté. This Gentleman, pursuing his point with that zeal and industry that distinguishes his character, took immediate and effectual measures to procure the return of these old and skilful soldiers, whose abilities he knew to be so necessary for the right forming of a useful and serviceable corps of this kind. Notwithstanding therefore the great pains taken to prevent

these people from coming, as well by their discontented Countrymen who were returning to France, as by some who wanted them elsewhere; by the care of a colonel of Artillery to whom Mons^{r} Loyeauté had written, and of Mons^{r} Pierre, who is likewise mentioned in the Delegates' agreement, the Sergeants, five in number, with Mons^{r} Pierre, Mons^{r} Bigarre, & Mons^{r} Coyette are on their way to Williamsburg. This sergeant has travelled before the rest, and was sent on to Williamsburg from York, and called here having been informed that Capt. Loyeauté was at this place. The knowledge of artillery is so indispensible to the public security according to the modern mode of making war, that I cannot help rejoicing at the opportunity we now have, if it be rightly improved, of possessing the best artillery of any state in the Union. Beneficial indeed will be the change to that, from being almost the worst provided! When I know that most of the other States are cautiously providing in this way, and wisely strengthening themselves in this branch, I own, I am alarmed at our great deficiency, and small prospects of being better off without the aid of imported knowledge. These officers and men, being among the best in the french army, their leave of absence is limited to a year from this time, but in that space, aided by a little longer indulgence, which may be procured by the influence of Capt. Loyeauté's father, who is a General in the Artillery of France, they may be able to place us in a situation such as to complete effectually what they begin. Neither this sergeant, nor any of the absent corps yet know that Mons' Loyeaute has missed command of our regiment, and probably discontent & desire to return, may arise from that knowledge, so that it will be well to have the determination of the Assembly on Captain Loyeauté's last proposition before they are made acquainted with this gentleman's disappointment. In a few days we shall be in Town, and in the mean time be pleased to give directions how the Bearer is to be supported. When President Hancock returned to Boston, the Delegates obtained his promise to give every facility in his power to the return of these

Veterans, and to furnish what might be necessary for them. In consequence of which, this Sergeant tells us, Mr. Hancock advanced them 600 dollars to bear the expense of the corps to Virginia.

I am with sincere esteem & regard, dear sir, your most obedient and very humble servant,

RICHARD HENRY LEE.

P.S. By the late arrival of a store ship at Portsmouth in N. Hampshire, The United States are now, in the whole, possessed of about 200 field pieces of Brass—These are many more than they want, and in consequence, if application were made to Congress for six of those now at Charles Town in South Carolina, there is no doubt but they will be lent to our State, and on light travelling carriages may soon be transported hither—Capt Loyeauté thinks this quite necessary to conduct properly the b—— of instructions. I wish the affair was immediately taken up in the Assembly.

R. H. LEE.

His Excellency, PATRICK HENRY.

Richard Henry Lee to Patrick Henry.

GREENSPRING, 25th Jan'y, 1778.

MY DEAR SIR: I find Mr. Ellis desirous of superintending the estate of Mr. Paridise and this at the same time, and I am very willing to second his views in this matter, because I am satisfied it will redound to the benefit of both estates. Heretofore (until lately) they have always been under the same management, and from their situation, and other circumstances, capable of co-operating and assisting each other. Mr. Ellis's fitness to manage both, is I believe equal to any mans. The act of assembly lately passed for sequestering British property, evidently designs nothing at present unfriendly to the Owners of such property, and therefore I should suppose, that in appointing a Commis-

sioner for the estate of Mr. Paradise, regard may properly be had to the choice of a person who is at once friendly to the public and to the Proprietor of the estate. Such a person, in this instance is Col'o Henry Lee. He is willing to undertake it, and he is uncle by marriage to the Lady of Mr. Paradise. Should these things appear to you in the light they do to me, I shall be obliged to you, sir, for having the business so managed as that Mr. Ellis may succeed in his desire.

I have the honor to be with great esteem and respect, dear Sir, your most affectionate and obedient.

RICHARD HENRY LEE.

His Excellency, PATRICK HENRY.

Patrick Henry to the Virginia Delegates in Congress.

WILLIAMSBURGH Jan. 27th 1778.

GENTLEMEN: The Letters of Marque formerly sent to this State, are all disposed of, and great inconvenience is felt for want of more. I beg that you will please to send me one hundred, or if more convenient a lesser number.

I could wish that Congress might find it convenient to pay the Militia from this State lately in Continental Service without Delay. It may occasion a Readiness to enter into that Service in future. With great Regard I have the Honor to be,

Gentlemen,
Your most obedient Servant,

P. HENRY.

To the Delegates from Va. in Congress.

P. S. The Assembly request Congress to furnish Eight field pieces for Virginia. My former application was for Six only.

P. H.

[NOTE ENDORSED.] 5 brass cannon have been Ordered to Virginia by the Board of War.

Patrick Henry to George Washington.

W^m^sburgh Jan 28^th^ 1778.

Sir: By the second Clause of the Act of Assembly, which I have the Honor to inclose to your Excellency, a Bounty of Twenty Dollars is directed to be paid to the Soldiers composing the Virginia Corps under your Command, reinlisted.

I beg the Favor of your Excellency to inform me of the most effectual Method of managing this Business, which I wish to conduct in the manner most acceptable to you. With the highest Regard & Esteem I have the Honor to be Sir,

Your most obedient & very humble Servant,

P. Henry.

His Excellency General Washington.

[Enclosure not found with letter as above.]

Patrick Henry to Colonel William Preston, County Lieutenant of Montgomery.

Williamsburg February 19^th^ 1778.

Sir: The murder of the Shawaneese Indians will no doubt bring on Hostilitys with that People. In order to ward off the Stroke which may be expected, it is necessary to have every Gun in your County put into good order and got ready for action. Lead may be had from the Mines. An order for 1 lb for each man of your Militia accompanys this, Powder it is said is plenty among you. If it can't be had otherwise send to Richmond for it. Let trusty scouts be kept in constant action towards the Enemy's Country to discover their movements, and give information of approaching danger. Proper stockades or Defences to receive the more helpless part of the people, should be provided in time, and fixed in places judiciously chosen, that

the able men may be at liberty to assail the Enemy and range the Frontier as occasions may require. These Stockades should be provided at the expense of your people, and are not to be garrisoned, only as particular exigences may make necessary. I think no neighborhood ought to be without one where the Enemy can possibly penetrate. In case of Attack you are to draw out such Force from the Militia as you judge sufficient to chastise the Invaders. Let the pursuit of scalping parties be close, hot and determined; for if vengeance is taken on the foremost Partys others will be intimidated. I wish to reinforce Captain Arbuckle's Garrison with a Company of 50 men, officered in the usual manner, from your County, and that they should march thither without delay.

Volunteers enlisted for this business to serve 6 months in it, I would prefer. But if they are not to be got without loss of Time, let the Militia be drafted. For I expect the Indians very shortly on the Frontiers. I beg the favor of you to consult with Colonel Fleming, on the propriety of establishing a post to preserve the Communication with Fort Randolph. Perhaps some place near the mouth of Elk river might answer this purpose, and also check the Inroads of the Savages, if the Garrison was alert & diligent to intercept their partys.

I am at a loss for Officers in Green Brier, and wish for a recommendation from your County Court of such as are proper. That place will be attacked it's likely, and if no other expedient can be found I must fill up the Commissions in Council, where the Individuals cannot be known. Rockbridge is in the same situation. Will you please to assist with such information as you can give in finding fit persons for Officers. I wish the Lead to be carefully preserved for the purpose of defence, and not given to the men, but as occasion calls for it, except in exposed places, where the people must be trusted with it. I think the Garrison proposed near Elk need not consist of more than 60 men; but I submit it to you and Col°. Fleming to do for the best, being on the spot.

You will perceive my views go no further than defensive operations. I know how impossible it is to render them completely effectual against the Enemy you have to oppose. But offensive measures set on foot against these Indians at this time, after their late treatment, would be too full of Injustice to escape general execration. Policy and even self preservation may 'ere long call for such measures; But even then it may be doubted whether provisions purchased in your parts would answer the Design.

Having now done everything which I can foresee to be necessary for protecting the Frontiers, I must tell you, Sir, that I really Blush for the occasion of this War with the Shawaneese. I doubt not but you detest the vile assassins who have brought it on us at this Critical Time, when our whole Force was wanted in another Quarter. But why are they not bro^{t} to Justice? Tis a few wicked men who committed the Murder. Why do not those among you of a contrary character drag them to Justice? Shall this precedent establish the right of involving Virginia in War, whenever any one in the Back Country shall please. I need not argue to shew you Sir, the fatal tendency of such conduct. You see it, and I fear your Country will feel indiscriminately that misery which ought to Visit only the guilty Authors of the mischief. Some say the people of your Country will not suffer the apprehension of the murderers. I desire it may be remembered that if the Frontier people will not submit to the Laws, but thus set them at defiance, they will not be considered as entitled to the protection of Government; and were it not for the miserable condition of many with you, I should demand the delivery of the offenders previous to any other step. For where is this wretched Business to end? The Cherokees, the Delawares, and every other Tribe may be set on in this manner, this Spring for what I know. Is not this the work of Torys? No man but an Enemy to American Independence will do it, and thus oblige our people to be hunting after Indians in the woods, instead of facing General Howe in the field. Search into the matter, & depend upon it the

Murderers are Torys. The Honor of your Country is at stake, and it is Time to decide whether these Villains are to meet with punishment, or whether the greater number will espouse their Interests. I desire you to the utmost, at all hazards, & to the last extremity, to support and assist the Civil Magistrate, in apprehending and bringing these Offenders to Justice. If the Shawaneese deserved Death because their countrymen had committed Hostilities, a Jury from the Vicinage will say so, and acquit the accused, who must be judged by their neighbours feeling the same resentments and passions with themselves. But they are Traitors I suspect, & agents for the Enemy, who have taken this method to find employment for the brave back woodsmen at home, and prevent their joining General Washington to strike a decisive stroke for Independency at this Critical Time.

Urge these things, Sir, with that warmth the subject demands; prepare your people for their own Defence against the Indians; to vindicate their honor from the rude attack now made on it; and let them be shewn to the world as possessing the other Virtues which usually accompany Courage.

In the confidence that what I now press, I mean bringing the Murderers of the Indians to Justice, will be done, Government will lose no Time in lending its best aids to protect your Country. I fear something essential for the Frontier defence may have escaped me, But your part must be in concert with your Neighbours to point out what yet remains to be done for your safety. If a reinforcement of 50 men more is necessary at Fort Randolph, they will be sent when you & Colonel Fleming write to me. I have it much at Heart to bring the Indians to treat on the subject of our difference with them. Perhaps the Grenadier Squaw may be useful in this business. Please to confer on this matter with Colonel Fleming, and let every possible effort be made to bring on a Treaty. The expences necessary for the attempt, I will pay on demand. I forbear to mention particulars for beginning this work, as they

must be better judged of on the Spot. But at all events try it vigorously.

Wishing safety to you & your people, I remain,

Sir,

Yr mo. hble servant,

P. Henry.

P.S. As there is no officer for Green Brier & 'tis an exposed place, I beg you to receive & distribute the Lead for that county. I will be glad to hear from you.

P. H.

Colo Preston.

2d P.S. If you judge it best, suspend the sending the fifty men from your County to reinforce Capt. Arbuckle's Garrison 'til you write me. Fifty from Botetourt I've ordered at all Events, & wish the fifty to go from yr County if you think it best.

P. Henry.

George Washington to Patrick Henry.

Head Quarters Valley Forge, Febry 19th 1778.

Sir: The melancholy prospect before us, with respect to supplies of provisions, induces me reluctantly to trouble you on a subject, which does not naturally fall within the circle of your attention.

The situation of the Commissary's Department, and of the Army in consequence, is more deplorable than you can easily imagine. We have frequently suffered temporary want & great inconveniences, and for several days past, we have experienced little less than a famine in Camp; and have had much cause to dread a general mutiny and dispersion. Our future prospects are if possible still worse. The Magazines laid up, as far as my information reaches, are insignificant, totally incompetent to our necessities, and

from every appearance, there has been heretofore so astonishing a deficiency in providing, that unless the most vigorous and effectual measures are at once, everywhere adapted, the language is not too strong to declare, that we shall not be able to make another Campaign.

To what causes this is to be attributed; whether to an ill-timed and too general revolution in the Department, in the midst of a Campaign, to its being placed in improper hands, or to a diminution of resources, and increased difficulties in the means of procuring, or to a combination of all these circumstances, I shall not undertake to decide. We have to lament that our affairs are so situated, and it is incumbent upon us, to employ our utmost efforts to ward off the ruin such a situation of things threatens. We have it in our power to do it; but our greatest activity and the fullest exertion of our resources, are requisite.

I am earnestly requesting the aid of the Executive authority of those States, whence our supplies are drawn; and in pursuance of this Intention, I address myself to you; convinced that our alarming distresses will engage your most serious consideration: and that the full force of that Zeal and Vigour, you have manifested upon every other occasion, will now operate for our relief, in a matter that so nearly affects the very existence of our Contest. What methods you have it in your power to embrace for this purpose, your own judgment will best suggest; the substance of my present request is, that you will contribute your assistance to turning all the supplies your State can afford, more than are sufficient for the subsistance of its inhabitants, into a channel of Supplies for the Army, in such a way as will appear to you most effectual; and at the same time to forwarding the means of transportation, from a defect in which we suffer great embarrassments.

I am duly honored with your favour of the 28th of last month. The method of paying the additional State bounty hat appears to me most eligable is that of sending the

money to Camp, with a temporary paymaster, to be issued on warrants from me, agreeable to muster rolls and abstracts, authenticated in the same manner as practiced in other cases. Any other mode, however, that may be deemed more convenient, will be perfectly agreeable to me.

I submit it to consideration whether it might not be advisable for your Excellency, to issue a notification to those soldiers, who have been reinlisted and permitted to go home on furlough, that on their return to Camp they will receive the additional bounty, as prescribed by the Act of Assembly. As most of them engaged before the Act took place or was announced, the bounty may be put upon the footing of a reward for past services. This notification may have an influence in making them more faithful and punctual in returning to Camp at the expiration of their furloughs.

I have the honor to be &c.

G°: WASHINGTON.

His Excellency, PATRICK HENRY.

Patrick Henry to Benjamin Franklin.

WMSBURG IN VIRG^{A}, March 3^{d} 1778.

SIR: Captain Lemaire, the Gentleman whom you were pleased to recommend to his Excellency General Washington, will have the honor to deliver you this. He called here in his way to the Camp, & fell into Conversation with Mr. Loyeauté our Inspector general of Artillery & Military Stores, on the Subject of his Department, in which are many capital Deficiencies. Understanding that there are many supernumerary officers in our Army, the Captain, desirous to render us his best Services, has agreed to return to France, & there to assist in procuring for this State such Articles as are absolutely necessary for our Defence. Mr. Loyeauté has furnished an Invoice which the Captain carrys

to William Lee Esquire, Agent for this State, with a Letter from me desiring him to use every Endeavour to procure the Articles specified, the want of which may be fatal to Virginia. Our Inspector has written to his Father, who I understand is Inspector of Artillery &c. in France, & to some other Friends, to assist the Agent with their Influence. For it may easily be conceived that we have not money deposited there ready to make payment for what we want. We have large Quantities of Tobacco ready on board Vessels bound to Nantz, & other ports of the Kingdom, which have been blocked up by the British Ships a long time. The articles now sent for will serve to open that commerce, which I trust will be found an object worthy the attention of the French Nation, with whom it is our Wish to form the most interesting Connexions.

After all the signal Services which this State, in Common with America, has received at your Hands, may I be permitted, Sir, to hope for your pardon when I ask for one more? It is that you may be pleased to assist with your Influence the applications of Messrs Lee & Loyeauté & their Friends to obtain the Arms & Stores.

It gives me pain that you should thus be put upon the Business of Soliciting additional Favours for a people, perhaps altogether unknown to those you may have occasion to address. I wish rather to see you conferring Benefits. But for this, the Time is not yet come. It may one Day happen.

Chesapeake Bay is guarded by one English 64 Gun Ship & four 36 gun Frigates. They lord it here at present. We have two Frigates building, & some Galleys in service. However I have no Expectation of facing the British power on the Water unassisted by France, whose Interposition would secure our Trade. At present the Inlets on our Eastern Shore, & that at Ocracock in North Carolina are the best Channels thro' which our Trade can pass. Thro' the latter I wish Captain Lemaire to return.

Tobacco, or any other production of Virginia, shall be shipped in such manner & to such places as the Agent can

find acceptable, in order to make payment for the Arms & Stores specified in the Invoice. Added to this I can only say, that the State of Virginia will ever bear in grateful Remembrance the good offices you may please to render in this important affair. On behalf of the commonwealth I have the Honor to be, with Sentiments of the highest Regard and Esteem,

Sir,

your most obedient &

very hble. Servant,

P. HENRY

HONBLE BENJAMIN FRANKLIN ESQ^R.

Virginia Delegates in Congress to Patrick Henry.

YORK TOWN, PENNSYLVANIA 23. March. 78.

Nothing of moment having occurred since Col. Lee's last letter, we have only to communicate the earnest desire of congress that our new levies of troops may be sent forward to camp with the utmost expedition. The necessity of pushing this business with vigour arises from the present weakness of our army, and the great probability of the enemy's taking the field early with augmented force, and over running the country, or attempting something decisive against our army before it is reinforced. The next grand object is to secure all the provision that can be engaged for the troops, as many disappointments and difficulties have intervened to lessen the prospect of the abundant supplies that were expected.

Colonel Harrison's regiment of artillery is much wanted at camp, and congress wishes them to march immediately. It is reported, and we fear not without foundation, that the troops at Rhode Island have embarked with an intention of joining General Howe. If this is the case, without the greatest exertions it is much to be apprehended the enemy

will open the campaign with great advantage over us. We are with the highest respect.

Your Excellency's mo. obed. Servants.

FRANCIS LIGHTFOOT LEE.
J. BANISTER.

His Excellency, PATRICK HENRY Esq.
Gov^r of Virginia.

P. S: Since writing the above General Smallwood mentions in a letter to General Washington, that a fleet of Vessels, ships &c, amounting to near an hundred, had passed by Wilmington and anchored at Reedy Island, he supposes they are going to forage either up the bay or Potomack.

J. Banister to Patrick Henry.

YORK, 27th March 1778.

My letter of yesterday mentioned the embarkation of some troops from Rhode Island, and I now find that the conjectures respecting their destination were well founded. General Washington in a letter of the 24th, tells Congress, that some people of Rhode Island having got the enemies countersign mixed among them, and became fully acquainted with their intended junction with Howe, which in a very few days will be effected. The general in his letter is earnest in his address to Congress, and more than unusually so, that they would send forward the intended recruits for the army, and seems in no doubt of the enemy's intention of being in the field early in full force to act with vigor. If they get possession of this state they may easily keep up their army. The general says few of the drafts "said to have been made in Virginia and Carolina are arrived in camp." He desires that none may halt on their march under pretence of getting equipt. The Carolina troops who marched last fall are not up as far even as this place.

The Virginia volunteers would do well to come into service, if a formidable body can be induced to venture out on this critical occasion. It is not improbable that General Howe, expecting troops from England either late in the season or *not at all*, is determined, as he knows the weak state of our army, to make an effort against it before its recruits shall arrive to reinforce it.

I thought it my duty to give you this intelligence before it can reach you through the slow movements of Congress, that so *happily* Virginia may be active in rescuing a sister state, *perhaps an army*, from ruin. The signal service of being instrumental in such *good* needs not a comment. I am with every respect, sir, your Excellency's most obd^{t} servant.

J. BANISTER.

Another embarkation is made at New York, and I am clear they are drawing all to a point, in which we should imitate them.

His Excellency, PATRICK HENRY
Gov^{r} of Virginia.

John Banister to Patrick Henry.

YORK. 10th, April. 1778.

SIR: Nothing having occurred since I had the honor of adressing you last, a very few days since, I have only to inform you that a warrant is made against the treasurer to the amount of the advance you mention, and that it may be sometime postponed, to make way for some immense supplies of money wanted now for the quarter master and commissary departments, previous to a possibility of the armies being able to act with effect. So soon as it can be obtained with propriety it surely *shall* be, and forwarded. The thousand pounds Col Mason received he must pay on demand out of a considerable sum lately sent him for the

troops. It is, I cannot help again repeating, a misfortune to our affairs, that the men were not sent forward uninoculated, since innumerable experiments justify a communication of that disorder in camp, besides saving a train of ills consequent upon the method hitherto practised of doing it at a distance.

I have the honor to be with the highest respect your excellency's mo. obd. and Mo. hble. Servt

J. BANISTER.

General Lee is here on parole.

To His Excellency, PATRICK HENRY
Govr of Virginia.

Patrick Henry to Thomas Johnson.

WILLIAMSBURG, April 10th, 1778.

SIR: I am induced once more to trouble your Excellency on the subject of assistance to our marine. The trade of this state is almost annihilated, that of Maryland must also be much injured by the enemy who have so long blocked our capes.

In order to make the most of our situation, I earnestly advise to place a force in the Cape Charles Channel, otherwise called the North Channel, sufficient to protect such of the trade as may incline to pass that way. And I am sanguine enough to hope, that if such a force was procured, very extensive good consequences would follow. I have given directions for three galleys to be stationed there. These perhaps may serve some good purpose for a short time; but I am almost certain that when the enemy have a little time to collect proper vessels, they will be driven away, or taken, unless they are reinforced. This cannot be done without the assistance of Maryland. I entreat that two at least of your Galleys may be directed to co-operate with ours in this salutary work. I am the rather induced to ask this, as some of ours are engaged in transporting nec-

essarys and provisions to the Grand army. The good sense of Your Excellency will easily discover the necessity of sending Galleys of considerable force, inasmuch as small ones will be exposed to danger from the sea, as well as the enemy, and fail of giving the necessary aid.

With great Regard, I have the Honor to be, Sir,
Your Excellency's most obedient & very
humble servant,
P. HENRY.

His Excellency, THOMAS JOHNSON,
Gov^r of Maryland.

Patrick Henry to George Washington.

W^MSBURGH Apl 18^th^. 1778.

DEAR SIR: I beg the Favor of you to accept from the Governor & Council the Articles contain'd in the inclosed Memorandum. They go by a Galley to the Head of Elk addressed to Col^o^ Hollingsworth's Care. I wish they were more worthy your acceptance.

With Sincere Regard, I am,
Dear Sir,
Your most obedient & very humble Servant,
P. HENRY.

His Excellency, GENERAL WASHINGTON,
at Head Quarters.

With sundry
Packages.

[Endorsed.] Williamsburg, 18^th^ Apl 1778 from Governor Henry with List of Stores sent his Excell^y^ Ans^d^ 16^th^ May.

George Washington to Patrick Henry.

HEADQUARTERS VALLEY FORGE 19th April 1778.

DEAR SIR: I have the honour of yours of the first instant, informing me of the appointment of Mr. Hawkins to the office of purchasing Commissary in the State of Virginia. I have heard so good an account of his character that I hope the most salutary effects will ensue. I hold myself infinitely obliged to the Legislature, for the ready attention which they paid to my representation of the wants of the Army, and to you, for the strenuous manner in which you have recommended to the people an observance of my request for fattening Cattle.

Congress have just made a change in the Commissary Generals Department by the appointment of Mr. Jeremiah Wadsworth of Connecticut in the room of Mr. Buchannan. Mr. Wadsworth is a man of most extensive influence in the Eastern States; has a thorough knowledge of the resources of those States, and possesses that most useful quality of great activity and address in business. I shall take the first opportunity of acquainting him with your appointment of Mr. Hawkins, that he may co-operate with him.

I have consulted Mr. Blaine, the purchasing Commissary in this District, upon the subject of your Letter. He advises that no Cattle be immediately sent forward but those fit for present use, or in tolerable good order, as he observes that it is almost impossible to fatten poor Cattle in any reasonable Time after being drove a great distance. Such as are purchased in a part of the Country, which does not afford pasture, must of necessity be drove on; but those that the purchaser can provide for, had better be kept thro' the summer, and drove on in or about September, when there is plenty of grass upon the road. Mr. Blaine recommends two Routes for the poor Cattle, The upper by Winchester, Red House, Watkin's Ferry, and Carlisle. Mr. James Smith near Carlisle will provide for them. The other across Potowmack and thro' Frederick's Town. Mr.

George Murdoch of Frederic Town will provide pasture for those brought that way. But he begs Mr. Hawkins may be pressed to send forward the Beef and Cattle as expeditiously as possible.

If the Money to pay the additional bounty to the reinlisted men comes to my hands it shall be properly disposed of.

I have the honor to be &c.

G°: WASHINGTON.

His Excellency PATRICK HENRY,
Gov^r of Virginia.

The Virginia Delegates in Congress to Patrick Henry.

YORK, 3d May, 1778.

SIR: Having heard that a messenger from France was on his way to Congress with important despatches, we detained the Express, who otherwise would have set out yesterday, that we might furnish your Excellency with the intelligence he brought. It is with singular pleasure we inform you, sir, that the messenger has brought to Congress authenticated copies of a treaty of commerce, and a treaty of amity and alliance, signed at Paris on the 6th. February last between France and these United States, and we understand there is abundant reason to suppose that the whole Bourbon family will immediately accede thereto. The treaty of Commerce is exactly conformable to our own proposals, and it is upon the most generous and equal principles. The treaty of alliance is professedly for security of the Sovereignty and absolute Independence of these States, both in Government and Trade, and it agrees that if Great Britain declares war against France on this account, or causes a war, or attempts to hinder her commerce, that we shall make common cause, and join our arms and councils against the common enemy. Each country guarantees to the other the possessions that they do, or may, possess at the end of

the war. Having heard these Treaties read but once in Congress, we cannot be more particular now. In general we find that his most Christian Majesty has been governed by principles of magnanimity and true generosity, taking no advantages of our circumstances, but acting as if we were in the plentitude of power and in the greatest security.

We are shortly to receive considerable stores from France that come under convoy of a fleet of men of war. The King of Prussia has actually refused to permit the Hessian and Hannau Troops, that England had engaged for America, to pass through his Territories.

We congratulate you sir and our country on this great and important event, but we beg leave further to observe, that it is in our opinion of infinite consequence that the army should be quickly and powerfully reinforced. Because if Britain should meanly permit the trade of France to proceed without interruption, and push her whole force against us this campaign, it might be attended with very pernicious consequences. But with a strong army, we shall under God, be perfectly secure, and it will probably compel G. B. to a speedy recognition of our Independence, and thus secure the peace of Europe, with the peace, happiness, and glory of America.

We have the honor to be, with much esteem, sir your Excellency's most obedient and humble servants,

RICHARD HENRY LEE.
FRANCIS LIGHTFOOT LEE.
JOHN BANISTER.
THOMAS ADAMS.

His Excellency, PATRICK HENRY Esq.
Governor of Virginia at Williamsburg.

P. S. It is very prudently wished by our commissioners that those of the French nation in our States may be treated with kindness and cordiality.

Arthur Lee to Patrick Henry.

PARIS, May 7th, 1778.

To his Excellency GOVERNOR HENRY, of the State of Virginia.

SIR: My brother being absent on a negotiation for Congress, at the court of Vienna, when Mr. Lemaire arrived here, I have endeavoured to accomplish the purpose for which he was sent. Mr. Page will show you the answer from the Farmers General, and the enclosed will inform you that I have been more successful with the minister here in obtaining the artillery &c. which is the most difficult and material article. Your Excellency will see how I am pledged on the part of the state, and therefore will, I hope, use all possible means of sending tobacco, so as to enable me to perform my promise of replacing them punctually and speedily. The attainment of future favours will greatly depend on this, as well as the establishing such a character as must always be of use to us. I had, to make sure of your having this essential article of artillery, agreed with a merchant of Cadiz to send you the same quantity directly from Sweden, on condition that it should be paid in tobacco, at the current price with you on delivery, the prime cost, with commission, freight, insurance and other necessary expenses. I shall not countermand this order, because it will make you surer of having what the state wants; and should both sets arrive the surplus will serve for your marine, or be saleable. I have furnished Capt. Lemaire with money out of my own pocket, to pay his & the pilot's expenses, and sent him to Strasburgh Sollenge, to engage the sabres, &c. for the light horse. The pilot is boarded in the country, it being dangerous to leave him at a seaport in Paris. I am so persuaded of the superior excellence of the Prussian muskets that I shall do every thing in my power to furnish you with ten thousand of them.

The king of Prussia was so gracious as to give orders for my being supplied with as many as I should require out of

his own arsenals, at the price he paid, of which he ordered an account to be sent me. But I am afraid the present preparations for war in Germany will either prevent my having them, or augment the price. The exhausted state of Great Britain has rendered her unable to carry menaces into execution against France, for concluding a treaty with us. Before this reaches you a French fleet under Count D'Estaing, their best admiral, will have arrived to your assistance. The enemy therefore is likely to be blocked up in their turn, for the fleet they had prepared under admiral Byron to reinforce Lord Howe is stopped, and it is generally thought will not sail. This arises from apprehensions for their safety at home. If they do not support their naval superiority with you, I think we shall soon have the pleasure of seeing them driven entirely out of America. A continuation of that spirit and vigour with which your affairs have hitherto been conducted, must soon accomplish our utmost wishes, and secure us in peace, liberty and safety.

I have the honor to be with the greatest regard and respect, your Excellency's most obedient and most humble servant,

ARTHUR LEE.

His Excellency, PATRICK HENRY,
Gov^r of Virginia.

Count Pulaski to Patrick Henry.

EASTON 12 May 1778.

SIR: I was in hopes to have paid my respects to your Excellency, but many delays I have met with in procuring sundry articles for the legion, I am directed by Congress to raise, has prevented my having that honor, and presenting a letter from Capt. Farrish, but flatter myself I shall soon accomplish my business here. Not to loose time entirely I send Serg't Nowill to purchase some things, I hope to

procure in your state, as well as to recruit, and beg leave to recommend him to your protection.

Permit me to assure your Excellency that I am with respect,

Very humble and obedient servant.

C. PULASKI GEN^{L}.

To His Excellency PATRICK HENRY,
Governor of Virginia.

Patrick Henry to the Speaker of the House of Delegates.

Sundry Matters referred by the Governor, with the Advice of the Council, to the Consideration of the General Assembly, May 13, 1778:

1st. From every appearance at present it seems evident, that the scheme adopted by the last Assembly for raising Volunteers to reinforce the grand army will not succeed.

2nd. The march of the second regiment of the state infantry to join the grand army, and the draughts of men for Monsr. Loyeauté's Corps from the Regiment of State Artillery, which has not yet been nearly filled, have so reduced our regular force that it is totally inadequate to the defence of our Garrisons. The employing of Militia for that purpose is found to be attended with many difficulties, affords less security, and greatly enhances our expenses.

3rd. Sundry Resolutions and proceedings of Congress have been received since the last session, and are sent herewith. The Assembly will please be referred to them.

4th. The situation of the grand Army with respect to provisions has been so alarming, as to threaten no less than the final dispersion of it. The letters from Congress and General Washington, while they imported this, called for every possible aid from this state. The most vigorous and proper measures the Executive power could devise have been pursued. Mr. John Hawkins has been appointed purchasing Commissary, and to him and sundry others

employed before him occasionally, very large sums have been advanced. Congress have been informed of the whole matter, approved of what has been done, and promise to refund the money speedily.

5th. Many great losses have been sustained by the traders of this state, and those of foreign Countries, on this coast, for want of proper pilots. In order to stimulate men of that profession, by advice of council, an additional encouragement of four shillings per ton, besides their daily pay, was promised by the governor to the pilots for every foreign or State vessel safely brought into port.

6th. For the further security of trade four small batteries are ordered to be erected on the Eastern Shore. These seemed absolutely necessary, as the enemy are closely blocking up the channels through which our vessels formerly passed into North Carolina, and our trade must in the future be principally carried on by the way of that shore.

7th. In order to make the provision of cloaths and other necessaries for the Virginia Troops in the continental service, as directed by the last assembly, Duncan Rose Esq has been appointed agent, and has procured various articles to the amount of about one hundred thousand pounds, which will be forwarded to the army as soon as possible.

8th. Orders are sent to the agent for this state, in France, to ship twenty thousand stands of arms, agreeable to the directions of the last assembly, for the use of the Militia.

9th. In the prosecution of trade on the public account, it has been found impossible to convey the produce of this country to foreign parts, in quantities sufficient to pay for the articles we wanted to purchase. In order to remedy this inconvenience, the Governor, by advice of the council, did by letter empower William Lee Esqr. agent for this state in France, to borrow a sum of money, not exceeding two million of Livres, and to pledge the faith of this commonwealth for the payment of this sum, in tobacco or other produce of this country.

10th. The Gentlemen who were appointed by Congress

to audit the accounts of this commonwealth against the continent, have made some progress in that business. But it is as yet unfinished. And it is to be feared, from the great difficulty already experienced of procuring gentlemen, who live very remote from this place, to attend and finish work of this nature, that much delay will attend the final accomplishment of it.

11th. From the encreasing commerce and Intercourse with the French Nation, and often receiving and sending despatches of the greatest importance in that language, the executive power has been repeatedly embarrassed, as the members of it are not accurately acquainted with the French Tongue. Interpreters have been occasionally employed. But ill consequences were perceived to follow either from the ignorance or design of some of them. The Governor therefore in order to remedy these evils, by the advice of the council, did appoint Mr. Charles Bellini to act in the capacity of French secretary, with a salary of two hundred pounds per annum, till the pleasure of the assembly should be known. From the accomplishments of Mr. Bellini there seems no doubt of his fitness to fill this office, in which Secrecy, Fidelity, and Knowledge were so essentially necessary.

12th. Since the last session of assembly Isaac Avery Esquire resigned the naval office for North Hampton, and Thomas Parsons Esq was appointed to that office till the pleasure of the assembly should be known.

13th. Also Isaac Smith Esq resigned the naval office of Accomack, and Robins Kendall Matthews esq. was appointed to the same till the assembly signify their pleasure thereupon.

14th. Sundry ship carpenters, employed in the public yards, were drafted to serve in the continental army under the act of the last assembly; and on the earnest solicitations of the Navy board and the superintendants of the ship yards, the Governor, by advice of the council, did desire the officer commanding the continental troops here to permit the said carpenters to continue in their yards. It

was said great detriment would ensue from the loss of these carpenters, as others could not be gotten to supply their places. An exemption of these workmen from Militia duty in the future it is supposed would tend to promote the public good.

15th. Information has been received of several persons within this state having joined the enemy as Traitors, and leaving considerable estates real and personal behind them. The laws seem to leave doubts as to the manner of proceeding against such offenders. A speedy method seems necessary to prevent the practice of those frauds generally used to secrete them.

16th. Upon considering the appointment given to Mr. Loyeauté The Executive power was induced to be of opinion, that he had not a right to exercise command over the officers of the military in this state at large, but was to confine it to the corps of one hundred men, who were to be trained by him in the manner in which the assembly directed. However it appears Mr. Loyeauté understands his appointment to the office of Inspector General gives him the command of the Regiment of artillery, if he should see occasion to exercise it. In order to clear this point from future doubts, the Governor and Council request the Assembly will be pleased to declare whether Mr. Loyeauté in his post of Inspector General is to assume such command.

17th. The death of Jacob Bruce Esq^{r}. makes the appointment of another auditor of public accounts necessary.

18th. The several preceeding matters, with others which necessarily required large expenditures, have been the cause of great emissions of paper money. These added to former emissions, and a prodigious influx of Continental money occasioned by the great supplies to the army drawn from this state, have given such a shock to the public credit, that the price of labour and every necessary has got to a height truly alarming, and proves an inconceivable clog to the prosecution of public affairs.

Virginia Delegates to Patrick Henry.

YORK May 15th, 1778.

SIR: The situation of the affairs of the United States urges (in our opinion) the necessity of a speedy confederation of the states, and as we are doutful whether we can be justifiable in departing a little, even in matters of form, from the strict letter of the instruction we are possessed of on that subject, we are apprehensive it may greatly impede the carrying into execution this salutary work.

We have therefore to entreat that you will lay the same before the General assembly for their consideration, and that they will give such further, or other instructions for our government in this particular, as they may judge expedient.

We are with great respect

Your mo. Ob't. Servts.

RICHARD HENRY LEE.
FRANCIS LIGHTFOOT LEE.
THOS ADAMS.

His Excellency, PATRICK HENRY ESQ,
Governor of Virginia.

Patrick Henry to Richard Henry Lee.

WILLIAMSBURG, May 15th 1778.

I beg leave, my dear sir, to give my most cordial congratulations on the late happy events that have taken place. May we be wise enough to improve these favorable occurrences into the Permanent happiness of our country!

Yours of the 7th came to hand last night. I have got one swift boat now ready to sail. Another shall be provided in some short time. Ocracock is blocked up pretty much. The boats will go out of our capes. The Assembly is sitting; 500 horse were voted yesterday. Some may be quickly got. However, the affair will be suspended a few

days on hearing the enemy are preparing to leave the continent.

God bless you sir,

Yours,

P. HENRY.

RICHARD HENRY LEE ESQ.

George Washington to Patrick Henry.

HEAD QUARTERS, VALLEY FORGE, May 16, 1778.

MY DEAR SIR: I had the pleasure of receiving to day your letter of the 18th of April Ultimo; and am much obliged to the Governor and Council for their agreeable present. It is now on its way from the head of Elk; when it arrives, I make no doubt, but it will find us in a humour to do it all manner of justice. I rejoice with you most heartily upon our recent good news, the ratification & public acknowledgement of our alliance with France, & our still further prospects of friendship & alliance with the other foreign powers.

I am, Dr Sr with much esteem,

Your most obt servt,

G. WASHINGTON.

His Excellency, PATRICK HENRY.

Patrick Henry to the Speaker of the House of Delegates.

WMSBURG May 21, 1778.

SIR: From the great sums of money expended on the public Salt works, the Executive power was induced to hope that considerable quantities of salt would have been produced before this time. But I am sorry to say that very little has been made, and that there is no prospect of receiving from most of the works any quantity nearly ade-

quate to the expense of them. From the great importance and variety of objects which call for the attention of government, it becomes impossible to superintend this business so closely as the many difficulties it meets with requires; and I cannot help observing, that without some person of skill and integrity is employed, whose sole business shall be to conduct these works, the views of the general assembly will be frustrated, and much public money thrown away.

The manager of the salt works in Northumberland has resigned his appointment, and although another has been sought for, none has been found to undertake it.

Some occurrences of late made war with the Indians almost inevitable. Such measures as seemed most likely to protect the frontiers and restore tranquility have been adopted by Government. I beg leave to refer to the paper sent herewith, as well to show the present good disposition of the Cherokees, as the situation of affairs respecting the northern and western tribes.

Altho' the militia of this commonwealth are in general well affected, and no doubt can be entertained of the general good disposition of the people, yet I am sorry to say that several instances of refractory and disobedient conduct have happened, which for the sake of example called loudly for punishment. The fines imposed by law for delinquency of almost every kind, are generally esteemed of so little consequence, that offences against the Militia law are become common. It is therefore apprehended that the military operations, upon which the safety of the state may depend, will not be carried into effect unless a degree of discipline, more strict than the present laws enforce, be adopted, and the fines for disobedience encreased. Standing guards drawn from the militia are necessary oftentimes for the security of magazines and other purposes. Doubts seem to arise under the present law, whether they can be instituted.

I beg sir, that you will be pleased to communicate these observations to the general assembly, who will pass such a

judgment on them as they may deserve. With great regard I am sir,

Your most obedient and very humble servant,

P. HENRY.

The Hon^ble^ BENJAMIN HARRISON, Esq^r^,
Speaker of the Ho. Del.

P. S. I omitted to inform you above that Mr. Loyeauté has resigned his appointment of inspector general.

Capt. John Wilson to Patrick Henry.

NORFOLK COUNTY, May 20th, 1778.

HONOURABLE SIR: I received your letter the 14th inst. of the 12th April, respecting the holding of the Militia in readiness, and my attention to the arms and accoutrements, which I shall endeavor to comply with, as far as in my power: that much, however, may not be expected from this country, I beg to observe, that the militia, of late, fail much in appearing at musters, submitting to the trifling fine of five shillings, which, they argue, they can afford to pay by earning more at home; but I have reason to fear, through dissatisfaction. With such a set of men, it is impossible to render any service to country or county. A few days since, hearing of the ravages committed by Philips and his notorious gang, I ordered fifty men to be raised out of four companies, consisting of upward of two hundred: of those only ten appeared, and it being at a private muster, I compelled twenty others into duty, putting them under the command of Capt. Josiah Wilson, who immediately marched after the insurgents; and that very night one fourth of his men deserted. Capt. Wilson still pursued, but to no purpose; they were either taken to their secret places in the swamp, or concealed by their friends so that no intelligence could be obtained. He then returned, his men declaring that they could stay no longer, on account of their crops. I

considered, therefore, that rather than they should wholly desert, it might be better to discharge them, and wait the coming of the Nansemond militia, when I trusted something might be done: but of those men I can hear no tidings; and unless they or some other better men do come, it will be out of my power to effect anything with the militia of this county; for such is their cowardly disposition, joined to their disaffection, that scarce a man, without being forced, can be raised to go after the outlaws. We have lost Capt. Wilson since his return: having some private business at a neighbour's, within a mile of his own house, he was fired on by four men concealed in the house, and wounded in such a manner that he died in a few hours; and this will surely be the fate of a few others, if their request of the removal of the relations and friends of those villains be not granted, which I am again pressed to solicit for, and in which case neither assistance, pay, nor plunder, is expected; conceiving that to distress their supporters is the only means by which we can root those wretches from us, and thereby establish peace and security to ourselves and families.

I am, with great respect,

Honorable Sir,

Your most obedient humble servant,

JOHN WILSON.

His Excellency PATRICK HENRY, Esq.

May 24.

A company of about fifty men are now come from Nansemond; but I am informed by the captain, that they will not be kept above two days, five having deserted already.

JNO WILSON.

To Gov^r P. HENRY.

George Washington to Patrick Henry.

HEAD QU^RS: VALLEY FORGE May 23, 1778.

SIR: I take the liberty to transmit you a Return of the Draughts and substitutes from the State of Virginia which have joined the army. By this you will perceive how far

short we are at this time in the reinforcements expected: and what is still more unfortunate, I cannot learn from any information I have been able to obtain upon the subject, from Gentlemen who have travelled on most of the Routes leading from the State, that there are any more, or at best, that the number following is exceedingly small.

The Return is not so correct and particular as I could wish it, and therefore I have directed another to be made, which will specify the Countys whence these drafts and substitutes came, and shew their respective deficiencies. This I will transmit by the next opportunity. None of the drafts made under the first law are comprehended in the present return, nor can I ascertain what number of them ever reached Camp. I believe it was very inconsiderable and trifling. However it shall be fixed and forwarded. It pains me much to trouble you upon so disagreeable a subject, and nothing but duty and the necessities of the case could have induced me to do it. There is certainly something wrong, the drafts do not come on, and our condition is but very little better, from any new aids we have received, than it was before.

Besides the deficiency in the reinforcements expected from Virginia, there is another circumstance which has chagrined me much: I mean the resignations of her officers. I cannot account for it, but so it is, that they have taken the lead far beyond all others in this instance, and have severely shocked their line. It is difficult to conceive the confusion and the injury which have flowed from this unhappy practice, and from the long extraordinary absence of many others. The enclosed list will show you that I have but too much reason for being chagrined, and I know, Sir, that your concern will not be less than mine.

I have the honour to be with the greatest respect and esteem,

Sir, Your most ob^{t}. Serv^{t}.,

GEO: WASHINGTON.

His Excellency PATRICK HENRY ESQ.

Patrick Henry to the Virginia Delegates in Congress.

WMSBURGH MAY 23d, 1778.

GENTLEMEN: In sending you the enclosed Resolution of the General Assembly, I comply with their desire respecting a subject of great consequence. The Reason why these Accounts have not been settled is, the Gentlemen hitherto appointed have not attended, except once. They called for some Vouchers they thought necessary to support some charges in the account, which were not ready, & left a list of them desiring they might be ready at their next coming, which was mentioned to be shortly afterwards. This is more than Eight months ago, & I have heard nothing of their coming since. I have frequently sent to the Gentlemen who have been appointed to this Business by Congress. Some of them have declined acting. Others have been prevented by sickness from attending; and in short so many Difficulties arising from Distance of situation, & other Causes, have interfered, that no good ground for Hope remains to have the Work ended, unless Congress adopt some new method. I need not explain the necessity of having an end to this tedious affair. Our State is distressed for the money. We have emitted such enormous sums that our Credit is almost lost. With great regard I have the Honor to be gentlemen.

Your most obedient Servant,

P. HENRY.

To the Hon. DELEGATES FROM VIRGINIA in Congress.

P. S. I can't help expressing the obligation we have to Wyllie Jones Esqr. for his Readiness to act on all occasions that offer'd for settling our Accounts.

P. H.

Patrick Henry to the Honourable Benjamin Harrison, Esq., Speaker of the House of Delegates.

WILLIAMSBURG, May 27, 1778.

SIR: I was always unwilling to trouble the General Assembly with anything that seemed of too little consequence for deliberation. In that view I have for some time considered the insurrection in Princess Anne and Norfolk. I have from time to time given orders to the commanding officers of those counties, to draw from the militia a force sufficient to quell it. These officers have often complained of the difficulty of the business, arising partly from the local circumstances attending it, but chiefly from the backwardness and even disaffection of the people. In order to remove the latter obstacle, I gave orders for one hundred men to be drawn out into this service, from Nansemond county; but I am sorry to say, the almost total want of discipline in that, and too many other militias in the state, seems to forbid the hope of their doing much to effect.

Col. Wilson, whose letter I enclose, has several times given me to understand, that, in his opinion, the removal of such families as are in league with the insurgents, was a step absolutely necessary, and has desired me to give orders accordingly. But thinking that the Executive power is not competent to such a purpose, I must beg leave to submit the whole matter to the Assembly, who are the only judges how far the methods of proceeding directed by law are to be dispensed with on this occasion.

A company of regulars, drawn from the several stations, will be ordered to co-operate with the militia, though indeed their scanty numbers will not permit it to be done without hazard. But I cannot help thinking this ought to be encountered; for an apparent disposition to disturb the peace of this state has been manifested by these people during the whole course of the present war. It seems, therefore, that no effort to crush these desperadoes should be spared.

My duty would no longer suffer me to withold these several matters from the view of the General Assembly, to whom I beg leave to refer them through you.

With great regard,

I have the honor to be, sir,

Your most obedient humble servant,

P. HENRY.

To the HON. SPEAKER OF THE HOUSE OF DELEGATES.

Patrick Henry to Richard Henry Lee.

WMSBURG. May 28. 1778.

MY DEAR SIR: Your favor of the 18th is this moment handed me. The despatches you speak of dated the 16th, were safely delivered, and the messenger proceeded to New Bern. For your sake, and because you desired it, I gave great attention to Loyeauté, but to no purpose. When he claimed command of the regiment of Artillery, I was obliged to interfere till the Assembly met. The officers refused to obey him, except some of the lower. On referring the affair to the Assembly, they resolved he had not a right to command, and he resigned. He has really given me pain. I revere his nation, and have great regard for all its people. I could not gratify Loyeauté, I could not, though I tried hard for it, make him happy; while I doubt not of his great zeal for America, I must of his abilities. I am not singular. Give me leave now to mention another Frenchman, Capt Cotteneau. He seems to possess discernment and enterprize. I like much his scheme of attacking our foes in Africa. Tis very plausible and bids fair for success. Remember how Goree[1] was taken, I think a 20 gun ship of this state might aid the attempt. Will it not distract their attention profitably?

[1] Goree is a small island near Cape Verd on the African coast, which, though a place of great strength, was taken by the English from the French.

I long for something of the eclat that would attend success in such an enterprize. However, listen to the Cap^{t} yourself and judge. While I am writing this a 50 gun ship is arrived in James, 49 days from Rochford (I know not if she is royal property) and a brigg with a large quantity of goods. No news as yet come from them. The English are at length departed with all their ships. They went 10 days ago. I had a fine sailing boat to carry the dispatches you told me of; but she would not miss the fine opportunity offered for her departure. Another or two will be ready in a week. When shall I receive the letters? Tell me what is to be done with Cap^{t} Young if they dont come. The intelligence of 100 drafts from the Eastern shore going to the English is false.

Our Assembly are voting 350 horse and 2000 infantry for the grand army. I doubt their being got. No attempt, (I regret it) to restore public credit.

Pray try to get us six or eight heavy canon for a Fort to protect the ships of our allys. Such a one is much wanted here.

Adieu my dear friend.

Yours ever,

P. HENRY.

R. H. LEE, ESQ.

George Washington to Patrick Henry.

HEAD QUARTERS VALLEY FORGE 30th May 1778.

D^{R} SIR: In my last of the 23rd Instant, I inclosed you the best ascertained account of the drafts and substitutes obtained from the State of Virginia, which could be procured at that time. I have since discriminated and classed the recruits from each County, as draughted under the Old and New Law, that have joined me, and now send you an exact return.

I have the pleasure to inform you that our prospects of regaining Philadelphia still continue; our information

bringing it down to almost a certainty. But it is not easy to determine whether they design to march thro' the Jersey, or go by water to New York. The former opinion is supported by several considerations. Their waggons are still retained; their Cavalry provided for such a purpose and the horses of Citizens impressed. Reports also agree that they have not Transports sufficient for their Troops. However everything points to their speedily evacuating the City.

I am, Dear Sir,
Yours &c &c.
GEO: WASHINGTON.

His Excellency PATRICK HENRY, ESQ.

Arthur Lee to Patrick Henry.

PARIS, June 15th 1778.

Your Excellency's letter to my brother, W. Lee, of the 10th of April, with his commission under the great seal, arrived here safe yesterday. I have forwarded their contents to him at Vienna. The enclosed letters will show the endeavours I have used to promote and accomplish the most difficult part of Capt Lemaire's mission. Your Excellency will have the goodness to enable me, as soon as possible, to discharge the engagement I am under on the part of the state, to pay for the things furnished. I should wish the tobacco for that purpose to be consigned to my brother, because I cannot so well depend upon another. By his direction I have put the other articles of Capt. Lemaire's list into the hands of Messrs. Penet & Co. who have agreed to transmit them as speedily as possible, upon the terms settled by Mr King. I hope what I have done will be agreeable to you; and that it will speedily supply the wants of our country. As our enemies appear unable to reinforce their navy employed against you, and Count d'Estaing's fleet is stronger, it is to be hoped your coast will

soon be cleared, by their ships being entirely driven away. They are equally unable to avenge themselves on our ally here, and will probably soon be forced to call home all their forces for their own defence. The diminution of their commerce, the distress of their people, the imbecility and wickedness of their counsels, and the rapacity of their officers, announce the inevitable downfall of their domination, and the ruin of their affairs.

I have the honor of being, with every sentiment of respect and esteem, your Excellency's most obedient and most humble servant.

ARTHUR LEE.

To His Excellency, GOVERNOR HENRY,
of Virginia.

Patrick Henry to Henry Laurens, President of Congress.

W^m^BURGH June 18th, 1778.

SIR: General Washington sent me an Account of the Drafted Soldiers that have joined the army from this State; & it appears that not one half the number voted by the Assembly have got to Camp. Truth obliges me to add, that very few more of the Drafts will ever be got into the Service. I lament this Capital Deficiency in our Quota of Troops; but no efforts of the Executive have been sufficient to prevent it. The Assembly at their late Sitting, have directed three hundred and fifty Cavalry, & two thousand Infantry to be forthwith raised, & to join the grand Army. Some of the former will be raised, but from every appearance, I am sorry to say, there is but too little reason to expect any success in getting the Infantry. I can only assure you Sir, that I shall pay due regard to the Requisition you are pleased to make for compleating our Quota of Men, by exerting myself to the utmost, altho' I fear it will be in vain.

The honble Dudley Digges Esq. lately wrote you a Letter,

on the subject of furnishing Congress with a large Quantity of Goods lately purchased by this State. I wish to be favor'd with an Answer to that proposition as quickly as possible, because the goods cannot be disposed of 'til it arrives, and their laying long on Hand will produce some Capital Inconveniences. Tobacco in payment will be greatly prefer'd to Cash, of which we have a Superabundance, producing Evils of the most alarming nature.

With the highest Regard I have the honor to be,

Sir,

Your most obedient & very humble Servant,

P. HENRY.

To the Hon. PRESIDENT OF CONGRESS.

Patrick Henry to Henry Laurens, President of Congress.

W^m^BURGH July 4^th^ 1778.

SIR: I have the Honor of your Despatch of the 27^th^, accompany'd by several packets for the Ambassadors of the United States at Paris. Altho' I have not any particular Conveyance in view at present, I make no Doubt but in the course of a Week I may find some vessel going to France; and they shall go by the first opportunity that appears a good one.

Yours of the 13^th^, to which you are pleased to refer as an Answer on the subject of the Goods purchased from the frere Rodorique, part of which were offered to Congress, contains an offer to give £450 Vrg^a^. money for £100 first Cost pay'ble in Tobacco at £.3 per cent. Several Letters I have had the Honor to write have informed you that these Goods cost this State 6/ for each Livre they cost in France, & that we are to pay for them in Tob^o^ at £4 per cent. delivr'd alongside the french ship. Congress had from me, & by a Letter written by the honble M^r^. Digges, who at that time presided, an offer of a large quantity of them at

the same price they cost us, payable in Tob° on the same terms. Several reasons were adduced to shew that payment by Congress in Tobacco was more eligible than in money.

If I am to consider the Terms now referred to as an answer to this offer, they amount to a refusal. And indeed I am at much loss how to act, as the Goods are wanted here by the people at Large.

A great quantity of coarse linen is sent up the Bay for Overalls, agreeable to a Request of the Board of War. I shall wait a few days before a Definitive step is taken with the other articles, as perhaps my last Express may bring some Orders from you relative to the subject.

I beg Leave to present you my congratulations on our repossessing Philadelphia, & the pleasing aspect of American affairs, & to make you, Sir, my best acknowledgements for your attention in sending me the very interesting Intelligence contain'd in your last.

With the highest regard I have the honor to be, Sir,

Y^r^ most obedient & very hble Servant,

P. HENRY.

The HON. PRESIDENT OF CONGRESS.

George Washington to Patrick Henry.

HEADQUARTERS BRUNSWICK 4^th^ July 1778.

DEAR SIR: I take the earliest opportunity of congratulating you on the success of our Arms over the British on the 28^th^ June near Monmouth Court House. I have in a letter to Congress given a very particular account of the manœuvres of both Armies preceding the action, and of the action itself; and this will be published. I must take the liberty of referring you to it for the matter at large. The enemy left 245 dead upon the Field and 4 Officers, among whom was Col° Monkton of the Grenadiers; the above were buried by us, but we found, besides, several graves and burial holes,

in which they had deposited their dead before they were obliged to quit the ground. Our loss amounted to 60 rank & file killed, and 130 wounded. We lost but two officers of Rank, L^t^ Col° Bonner of Pennsylvania and Major Dickenson of the 1^st^ Virginia Regiment. The former of those Gentlemen is unknown to you, but the latter ought much to be regretted by his friends and Countrymen, as he possessed every qualification to render him eminent in the Military Line: Capt. Fauntleroy of the 5^th^ was unfortunately killed by a random Cannon Ball. We made upwards of one hundred prisoners, while the enemy remained within our reach, but desertions since they left Philadelphia have been prodigious; I think I may without exaggeration assert, that they will lose near one thousand men in this way before they quit Jersey, and that their Army will be diminished two thousand by killed, wounded, desertion and fatigue.

I have the honor &c

GEO: WASHINGTON.

His Excellency PATRICK HENRY ESQ.

Patrick Henry to Henry Laurens, President of Congress.

W^ms^BURGH July 8^th^ 1778.

SIR: Some Resolutions of Congress & proceedings of the Board of War, have been lately transmitted to me, by which it appears that an Expedition against Fort Detroit is resolved on. In order to effect the purposes of it, 2000 of the Militia, together with Amunition, provisions, horses, military stores, Cloathing &c. &c. are requested to be furnished by this State: I should most cheerfully exert myself in accomplishing the Desires of the Board of War, & to provide without Delay whatever this Country could afford for the Expedition, agreeable to the Resolution of Congress, did not Reasons of the greatest importance arrest me in the first step. I entreat for the Candour and attention of Congress, while I submit to their consideration some

of the reasons which have induced me to think the Expedition to Detroit, as announced to me by the Board of War, utterly impracticable at this Season of the Year, & under our present circumstances. In the first place, it is impossible to procure flour in time. I observe it is proposed to be purchased in the County of Goochland. Neither that, or the adjacent counties or County can afford the Quantity wanted. Suppose the Contrary, the transportation of it is absolutely impossible by the Time required.

The Horses may possibly be got, but I will venture to say that the immediate purchase of 5000 & upwards, which are required, will raise the price to four times the Estimate, and amount I think to near half a million of pounds.

Indeed I am satisfied upon a view of the Articles wanted for this Expedition, that the preparations ought to have begun early in the winter, & that those now making cannot be compleated before next Spring. 5000 pack saddles, tight seasoned casks for carrying the powder, collecting the cattle together, transporting 30,000^{lb} Lead from the mines, fabricating 1000 horse Belts, 400 felling axes, 3000 Hatchets, Kettles made of rolled iron, procuring Tents, Knapsacks, Haversacks, complete suits of clothes for the Regulars, the recruiting, arming, accoutring & Disciplining them ; forming Magazines of provisions and military Stores, finding the means of Transportation through that country. These and a vast variety of other particulars, which I do not enumerate, cannot be accomplished of a sudden : On the contrary, from a scarcity of workmen & materials, from the want of waggons, from the exhausted State of this Country as to several articles called for, and the distressed Situation of our People, Resources and supplies, I think the next Spring is as soon as the march proposed can be thought of. My perfect reliance on the wisdom of Congress makes me wish by no means to touch upon any Matter that lays within their province to determine. And I should not say anything now touching the general expense of this Expedition, did not the advanced price of most articles in this Country, joined to the nature of the proposed service & the plan for

effecting it, make it my Duty to hint, that in my opinion the amount will far exceed the Ideas of Congress; and perhaps approach to a Comparison with the sum which the grand army of Infantry costs the United States for the same length of time. All I request is, that Congress will be pleased to review the estimate of expenses, the nature of the Business, and the time for executing it; and if they shall be pleased to persist in the first plan, I shall think it my duty to forward to the utmost what they direct.

In the mean time, Lieutenant Colonel Campbell, who brings me the Despatches on this subject, is now here, having the Stores of the State thrown open to him, & is desired to select such articles of Clothes as the Troops to be raised may want, and can be found in them. Orders to the Lead mines will also be sent, to forward some Lead towards Fort Randolph or Pittsburgh.

The miseries of the people of Virginia who live exposed to the assaults of the savages, affect me most sensibly. And in my anxiety to see something doing for their protection, I hope for excuse from Congress when I suggest, that if an Expedition is directed against the hostile tribes nearest our Frontiers, very good consequences might result. Such a step seems to be free from the objections which are hinted against the attack of Detroit, where a post will be difficult to maintain while the great intermediate country is occupied by Hostile Indians, & from which it seems easy for the enemy to Retreat with all their stores while they are superior upon the adjacent waters.

Our Frontier people wish for offensive measures against the Indian towns, & will enlist freely for that purpose. But I cannot help doubting whether the apparent difficulties of succeeding against Detroit at present, will not be an obstacle with them against engaging in the service.

I beg to be favoured with the Decisions of Congress upon this matter quickly as possible; that necessary measures may not be delayed, or useless purchases or Expenditures for preparations be made, by the several Agents who are already engaged in their respective Departments.

The Sentiments contained in this letter come from a full Board of Council as well as from me.

I beg to be informed whether it is necessary to push forward the Cavalry and Infantry voted by the last Assembly here. They are to serve but a short time, and if they are not wanted, much Expence will be saved by knowing it in time, & preventing their Inlistments, which will be made upon a most expensive plan, & which nothing but a supposed necessity induced the Legislature to adopt.

With great Regard, I have the Honor to be, Sir, Your most obedient & very humble Servant,

P. HENRY.

P. S. The Express has orders to wait for an answer to this, & indeed the State of affairs seems to require it speedily.

The Honble HENRY LAURENS, Esq^r.
President of Congress.

Patrick Henry to Henry Laurens, President of Congress.

W^msBURGH July 10, 1778.

SIR: Just after sending away to you my Letter of the 8^th on the subject of the Expedition to Detroit, the enclosed Letter from M^r. Lockhart came to my hands. As it is impossible to furnish him with the Capital articles he wants, & as the Beef Cattle cannot be taken from the Monopolizers he mentions, I think additional reasons appear for postponing the Expedition. However, referring to my last, and to M^r. Lockharts, the whole business is submitted to the Decision of Congress, whose Resolves I shall ever take pleasure in executing to the utmost.

With great pleasure I have the Honor to be,
Sir,
Your most obedient & very humble servant,

P. HENRY.

THE PRESIDENT OF CONGRESS.

Patrick Lockhart to Patrick Henry (enclosed in the foregoing).

STAUNTON July 3. 1778.

MAY IT PLEASE YOUR EXCELLENCY: By Mr. Joshua Humphreys have sent a list of sundry Articles wanted for the intended Expedition against the Indians, some of which are essential, Viz.: The Medicine, Linen, Gunpowder, Flints and Nails, without which the Expedition cannot be effected, and as those articles are not to be had in this quarter, and the time allowed me to provide for the Campaign very short, was under the necessity of applying to your Excellency, in hopes that from the purchases lately made on behalf of this State some of those articles might perhaps be spared from the public store, if your Honble Board would Please to allow them to be delivered for that use. I therefore hope you will give every supply in your power, dispatch the bearer as soon as Possible, and order the Quarter Master to provide Craft or waggons to Convey whatever may be procured at Williamsburg to Richmond, to which place I shall send waggons for them. I will either remit the money to the Treasury, or give a draft for the amount on Joseph Nourse Esq^{r}, Paymaster to the Board of War & Ordnance, as you will please to direct.

Some linen may be had here but it is very dear, and unless 20,000 y^{ds} or upwards of Ozg^{s}. or some other linen fit for bags, Tents &c. can be procured from the public Store, or elsewhere in the Lower part of the country, I dispair of conveying the Flour in time. Caskes cannot be had. If it or any of the other articles cannot be had at the public store, please give M^{r}. Humphreys a draft on the Treasurer, or a letter of credit, for a sum sufficient to purchase them, if to be had elsewhere, and I will remit the amount as above. I refer to Colonel Matthews letter to your Excellency dated y^{e} 27th ultimo whether Lead can be had at the mines or not. Gen^{l} M^{c}Intosh requires 16,000 ^{lb} for the Northern Division & Stations in that Quarter, & 10,000 ^{lb} will be wanted for the Southern Division. If it can

be spared, and no order has yet been sent, Please send one, Least the Manager at the Mines should refuse delivering it. By the advice of Colonel Matthews I took the liberty to send waggons for the 16,000 lbs. as no time was to be lost in forwarding that quantity to Fort Cumberland, & I expecting the Manager would deliver it if not contrary to his instructions. The Board of War directed me to apply to your Excellency, or to Col. Finnie, for the Ammunition necessary.

Most of the Beef cattle in this and adjacent Counties are Monopolized by people who propose driving them to the Northward. And if your Excellency cannot vest the Lieutenants of the Counties, from whence the men who go on the Expedition are drafted, with authority to Impress and have appraised their Cattle, in case they refuse a Generous price, (which from the trial I have already made I have reason to believe they will), It is apparent to me that it will not be in my power to procure the necessary supply of that article in time, without giving a very extravagant price.

I am your Excellencys
mo. Ob^{t} Humble Serv^{t},
PAT. LOCKHART.

[Then follows "List of Articles to be purchased by Mr. Joshua Humphries for the use of the Expedition intended against the Indians."]

Patrick Henry to Henry Laurens, President of Congress.

WMSBURG July 16. 1778.

SIR: I am honor'd by the rec^{t} of your Favor of the 9th with the several inclosures. Intelligence rec^{d} from you on occasions so critical & interesting as the present, cannot but be highly acceptable; & I beg you to be pleased to accept my Thanks for that which you have inclosed to me by this Messenger.

On Sunday Even'g the 5th instant, a firing was seen and

heard at our Eastern shore, & continued 'till about 4 o'clock in the morning. Report says here that a French fleet of 16 sail fell in with 5 English men of war, two of which they sunk, two they took, & run the other ashore. Another account says 8 French Ships attacked two English, and took only one; but it is confidently said the French sailed for New York, taking pilots to conduct them thither. I make no doubt this is the Count D'Estaing's Fleet.

With the greatest Regard I have the honor to be,

Sir,

Your most obedient & very humble Servant,

P. HENRY.

THE PRESIDENT OF CONGRESS.

P. S. I have sent an Express with your despatches to Gov^{r} Caswell.

Arthur Lee to Patrick Henry.

PARIS, July 16th, 1778.

SIR: His Excellency, the minister of marine to his most Christian majesty, having signified to the commissioners here, that he was apprehensive the French settlements at Miguelon and St. Pierre would suffer much for want of provisions, unless they were supplied by the people of the United States, your Excellency will oblige our new allies, by directing notice to be given to the inhabitants of your state that they will find a good market at those places.

I have the honour to be with the greatest esteem, your Excellency's most obedient and most humble servant,

ARTHUR LEE.

His Excellency Gov^{R} HENRY
of Virginia.

Patrick Henry to Col. William Fleming.

WMSBURGH July 27th 1778.

SIR: Your Favor by Express is now before me. I am sorry to hear of the Loss of the powder in the Carriage up. The Waggoner perhaps is to blame. I greatly approve of having a small Magazine at your House. It may serve the Occasions of the Distressed Frontiers, when supply from below cannot be had in Time. I would rather wish to increase the Quantity of powder & Flints with you. The Lead is in Reach in case of Emergency. As you are so much better able to judge of proper Stations for your small Guards, I cannot but approve what you have done in that Respect, as also of what you may judge it best to do in future as Occasions may require. I can only in general direct that such steps be taken as the Exigency of Affairs may make proper, as the Distance is too great to await particular Orders from me. You will please to take the Lead you mention to be left near you, & also to sell out such Powder as appears really necessary for the safety of the inhabitants.

I am
Sir yr mo hble Servt,
P. HENRY.

COL. Wm FLEMING.

Arthur Lee to Patrick Henry.

PARIS, July 29, 1778.

DEAR SIR: It was with the greatest pleasure I learnt from Capt. Le Maire's mission, that you had at length awakened our state to the necessity of putting herself into a respectable posture by being well provided with warlike stores. I have done all in my power to promote a purpose on which her future prosperity, and even safety, so much depend. Though it is not possible to do things in this

country with the expedition one would wish, yet I hope we shall procure in a short time the chief part of the supplies demanded. I expect my brother William here soon, who will put things in a better train than my want of knowledge and other avocations will permit. Not having been able to raise any money upon credit for the state, which in this country and at this time is extremely difficult, I have engaged to advance as far as forty or fifty thousand livres, for those things which indespensably require it. I have endeavoured to make such an agreement with Penet & Co. as will leave you at liberty to make payment for what they furnish in the manner most convenient for the state.

I have the honour to be, &c.

ARTHUR LEE.

His Excellency PATRICK HENRY Esq.

Patrick Henry to George Washington.

W^m^BURGH July 31^st^ 1778.

SIR: I beg Leave to trouble your Excellency in respect to Lieutenant White of the first Virginia Regiment, who unfortunately killed a M^r^ Green, as I'm Told, in a Duel. It was recomended to him to leave Camp, as he says, for a while, 'till the first Heats should be allayed, & until the sober Reflection of the deceased's Friends Should suffer them to view the affair in a just light. M^r^ White has done so, and he now thinks that his Honor calls him again to the Army, where he hopes to go on his Duty again unmolested, unless the Laws of the Army shall render it necessary to call him to account. He, with many others, supposes that Custom has in some sort controuled the Laws ag^t^ Duelling in cases where provocation can be pleaded. However he submits cheerfully to what you are pleased to order. I have only to say that I believe him a worthy

young man & a good officer. With the highest Esteem, I have the Honor to be Sir,

Your Excellency's most obedient Servant,

P. HENRY.

His Excellency GEN^{L} WASHINGTON.

Patrick Henry to the County Lieutenant of Frederick County.

WILLIAMSBURGH, August 6. 1778.

SIR: By the resolutions of Congress which accompany this, you will perceive that the expedition against Detroit is laid aside; but that, in order to protect the frontiers, the war is to be carried into such of the enemies towns as General Mackintosh shall direct. This measure, so necessary to relieve the distresses of many worthy citizens of this State, I am very desirous to promote; and, in order to assist it in a proper manner, I desire you will draw out so many men from the militia of your county as General Mackintosh may demand, in order to comply with the directions of Congress. You are to take care, as the season is far advanced, that no time be lost to rendezvous the men according to the General's orders; and that every article of equipment which he calls for be furnished, in the most speedy and complete manner that circumstances will admit.

You are to transmit to me an account of the steps you take, in consequence of the orders you may receive from the General, to whom I shall mention the counties that I order to furnish men upon his requisition.

I am Sir,

Your most humble servant,

P. HENRY.

To the COUNTY LIEUTENANT OF FREDERICK.

Patrick Henry to the Virginia Delegates in Congress.

Wᵐˢburgh August 7ᵗʰ 1778.

Gentlemen: The Resolution of Congress desiring that the March of the New Levys from this State may be stopped, is announced to me, and in Conformity I have inserted a publication in this Day's papers—desiring all it may concern to act agreeably. All the Cavalry were assembled at Port Royal and its vicinity, under the command of Thos. Nelson jʳ Esqʳ, who I understand is gone forward with such of them as are equipped, or nearly so. I have therefore to request, that Congress will be pleased to take such order with respect to them as is judged most proper, as I know not where to address them, or whether it is the Wish of Congress to disband them.

With very great Regard, I have the honor to be,
Gentlemen,
Your most obedient & very humble Servant,
P. Henry.

The Hon. Vᴬ Delegates in Congress.

George Washington to Patrick Henry.

Head Qᵘᵉ White Plains 13ᵗʰ Sept 1778.

Dʳ Sir: I have been honoured with yours of the 21ˢᵗ Augᵗ inclosing a letter for Capᵗ Henry, whose ill state of Health obliged him to quit the service about three months past. I therefore return you the letter.

I wrote to you the 23ʳᵈ May last, and inclosed you a Return of the number of the drafts, under the Old and New law, who had actually joined the Army. I did this that the assembly might see what Counties had been deficient in sending forward their quotas. Having never recᵈ an Answer, I am apprehensive that the letter and papers may have

miscarried. If they have never reached you be pleased to signify it, and I will furnish duplicates.

I have the honor to be &c,

GEO: WASHINGTON.

His Excellency PATRICK HENRY, ESQ.

George Washington to Patrick Henry.

HEAD Q^{RS} NEAR FREDERICKSBURGH 7th Oct^{r} 1778.

SIR, On the 23rd and 30th May, I did myself the honor to transmit to your Excellency Returns of the Troops of Virginia. By the conveyance now offered me by Col^{o} Wood, I enclose another, comprehending their state on the 30th ult^{o}. Your Excellency and the Honorable Assembly, which I am informed is about to sit, will perceive from this how far deficient the troops are in the Quota assigned the State.

Their present amount would not be great, supposing every man mentioned in the Return were in the Field; but a large deduction is to be made from it, on account of the Columns of Sick. It is highly probable that many under this description, particularly that of Sick Absent, are actually dead, others unfit for service, and that several who have recovered have deserted. Besides this I find by a Return which I have just obtained, that there are Seven hundred and Ninety Six Drafts, and others, whose term of service will expire in the course of the ensuing winter.

I thought it expedient to advise your Excellency of the above facts, that you and the Assembly may adopt such measures, for providing recruits or drafts for the next Campaign, as may be judged proper. What these measures will be will be with you and the Assembly to determine; but I will take the liberty to suggest it as my opinion, that it will be well for the States in general, to give the raising of men the earliest of consideration; and to pursue such speedy and vigorous means, as will place our Army upon a

respectable footing. I have been exerting myself to have the drafts inlisted and the Old Soldiers reingaged, who are on the point of being discharged, for the usual bounty allowed by Congress; but my attempts as yet have been without any or with but very inconsiderable success. Besides the Continental bounty I have offered the Virginians in this predicament, on the part of the State, a further bounty of Twenty dollars per man, the balance remaining in my hands of the money deposited by their Delegates in Congress last Spring being sufficient for the purpose, but this has proved no temptation.

If deficiencies and the expiration of the service of troops in the course of the winter were peculiar to Virginia, I should not be so much concerned, tho' that I confess would be a circumstance of no small mortification; but when I know that they are not, that the enemy are still with us, in respectable, I may add, formidable force; and that another Campaign may take place, I feel very much interested in our pursuing measures that will make us equal to all events, and the establishing of our independence. I cannot say with precision that we shall have occasion the next year to employ a large Army, as the designs of the Enemy and their future system of conduct are entirely unknown; but from their remaining so long, and the approach of winter, it would seem, tho' there have been flattering appearances to the contrary, that they do not mean to leave the Continent. But be this as it may, it will be wise in the States to provide for every Contingency, and we may reasonably conclude, if they determine to try the event of another Campaign, that they will act with vigour, and by concentering the force they now have, independent of any other aid or augmentation, they may make it a very serious and a very important one. From these considerations I am induced to hope that we shall not relax on our part, but on the contrary, that we shall use every prudent and practical exertion to put ourselves in a good posture of defence. If this is done we shall be prepared for war, and if Britain should relinquish her ideas of Conquest and withdraw her Armies,

it will be easy to cease our efforts and to disband our Levies.

I would also inform your Excellency, that the Virginia regiments in the Continental Line have lately undergone a reform, and are now reduced to Eleven. This measure the Committee of Arrangement appointed by Congress deemed it expedient to adopt, as some of them were not larger than a Company or two in point of effectives. There may be many other matters respecting the Virginia troops, in which you may wish satisfaction, and which do not occur to me at this time. If there are, I must take the liberty of referring you to Col° Wood, who will be able to give you the fullest information.

I have the honour to be with the greatest esteem and respect,

Your Excell^ys^ most ob^t^ Serv^t^,

GEO. WASHINGTON.

His Excellency, PATRICK HENRY, ESQ.

George Washington to Patrick Henry.

HEAD QU^RS^ FREDERICKSBURGH 14^th^ Oct° 1778.

DEAR SIR: Your favour of the 31^st^ July only reached me by yesterdays Post. If M^r^ White returns to the Army I must be under the necessity of taking notice of his unhappy affair with M^r^ Greene. I cannot say whether the friends of the deceased will appear to prosecute, if they do not, I shall have discharged my duty and the thing will pass off. As Col° Greene is at present in Virginia M^r^ White may contrive to know his determination, and had better form his resolutions accordingly.

I have the honour to be with the greatest regard,

Your Excellency's most Ob^t^ Serv^t^,

GEO. WASHINGTON.

His Excellency, PATRICK HENRY, ESQ.

George Rogers Clark to Patrick Henry.

KASKASKIA EASTERN ILLINOIS Sept. 16 1778.

DR. SIR: Lately arrived from New Orleans dispatches from the Governor Genl. to Mr. Leabau Lieut: Governor residing at St. Louis, which brought a parcel for the Commertial Committee and Congress, with instructions to send it by express except it could be given into the hands of an officer belonging to the states. A few days ago I received these letters from Mr. Leabau who requested that I would send them amediately, as he says they are of importance and require expedition, having a fit person I have dispatched him with orders to make no delay untill he arrives at Williamsburg. This express answers my purpose very well as an oportunity of informing you of what has past in this country since my last letters to you by Capt. Montgomery, which I hope you have received.

Mr. Leabau requested of me that I would by letters present his compliments to you, this Gentlemens interests himself much in favour of the states, more so than I could have expected. He has offered me all the force that he could raise in case of an attack by the Indians from Detroit, as there is now no danger from any other quarter. Genl. Hamilton of Detroit has of late been at great pains and expense to get a body of Indians to retake the Illinois, but above half the Indians that he had at his comd. has treated with me, and I believe the rest very willing to be quiet except those towards Fort Pitt, in short his officers among them have bad success, as I often hear from them having spies in the same towns. I think I shall keep his Excellency out of possession of it this year, as for the next you are the best Judge. My compliments to your lady and family.

I am Sr.

Your humble Servt.

G. R. CLARK.

His Excellency, PAT'K HENRY.

Fragment of a Communication from Patrick Henry to the General Assembly, October 14, 1778.

that while the Executive is attending to trade, Government affairs are necessarily in danger of being too hastily determined; therefore I must submit to the general assembly to consider whether it might not be of service to the community at large, to have a public board of trade established.

9*thly*. General Muhlenburg has informed me by letter, that by various losses happening to him while he has been in the service, his future prospects of providing for his family were altogether centered in the back country, where an abundance of fertile vacant lands seemed to promise him a comfortable subsistance in case he should survive the present war: but apprehending that a disposition of the vacant lands would soon take place in this state, and that his being confined to the army would deprive him of an opportunity of procuring a share of them, he desired my agency in his behalf. And as I have great reason to think that numbers of the officers will be found in similar circumstances, I beg leave to submit this to the general assembly, as a case deserving their serious attention.

10*thly*. The Cherokee Indians have expressed great uneasiness, at the apprehension of Colonel Nathaniel Gist's Claim to a certain Island in Holston river, called the Great Island, declaring that it was never intended by them to grant the said Island to him or any other person. It is therefore apprehended that the claim set up by the said Colonel Gist was founded on mistake, and that the general assembly confirming the said Island to him might give umbrage to the Indians, and interrupt the good understanding at present subsisting with them.

11*thly*. The Naturalization of Foreigners is at present a matter of great importance, and remains unsettled, as well as the footing on which British Subjects, "who have been well disposed towards America and coming here for protection," are to be considered. The Executive have been

applied to on both these subjects, and finding great difficulty attending them, I beg leave to recommend to the assembly to express their sense thereupon.

12*thly*. In a few instances I have, with the advice of council, remitted fines and granted pardons for offenses not capital. And this was done on a supposition that the constitution warranted it; but some doubts have arisen on the propriety of it. As therefore the exercise of a power, however salutary for the present, in its effects may prove pernicious, if its legality is not clearly ascertained, I must take the liberty to recommend, that this part of the Constitution be made explicit.

With great regard I have the honor to be Sir,
Your most humble servant,
P. HENRY.

To the SPEAKER OF THE HOUSE OF DELEGATES.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA 21st Oct 1778.

MY DEAR SIR: This will be delivered you by Major General Lincoln, a brave and able Officer, who goes to command the Troops that are to oppose any attempt of the enemy upon Charles Town in South Carolina. As the General can give you the news of this place I should not have troubled you with this letter, were it not for the following purpose. It was proposed to send 50,000 dollars to the paymaster in Virginia for the purpose of forwarding the thousand men designed to assist South Carolina—Whereupon I reminded the Congress of a motion long since laid upon their table, in consequence of letters from yourself & Mr. Page informing that arrears were due to the continental soldiers in Virginia & the militia that had been called into continental service—And I proposed making the 50, an hundred thousand dollars, and to word the resolve for the purposes "of paying the arrears due to the conti-

nental soldiers in Virginia, and to the militia of that state which had been the last year in continental service," as well as for forwarding the thousand men to S. Carolina—This was readily agreed to, and the money (100,000 dollars) is ordered forward—Now Sir, I presume that Gen. Lincoln will, on your application, and showing him the resolve, take measures, by ordering the payment himself if the accounts of arrear are ready, and if not, by authorizing you to call on the paymaster for the money when these accounts are prepared. I beg leave to refer you to the General for our news being in great haste. I subscribe myself with much esteem and affection yours,

RICHARD HENRY LEE.

His Excellency, PATRICK HENRY, ESQ.

P.S.—Since I wrote the letter on the other side, I find upon conversation with Gen. Lincoln that if the pay rolls of the militia should not happen to be ready when he passed through Williamsburgh, that it would not be in his power to order payment, as he could not delegate his authority—Therefore, I proposed the inclosed resolve which I hope will remove all difficulty.

farewell,

R. H. LEE.

His Excellency, PATRICK HENRY.

Patrick Henry to Henry Laurens, President of Congress.

W^m^BURGH Nov^r 9^th^ 1778.

SIR: No time was lost in laying the Resolutions of Congress for the march of militia from this State to S^o^ Carolina, before the General Assembly. The Law did not empower me to march the militia to the assistance of the neighbouring States, only in cases of actual invasion; But an act is now passed by which that Power is given in Cases of expected or apprehended invasions. The march was planned, & the Countys to furnish the requisite numbers

were selected, when intelligence from Govr. Johnson of Maryland arrived, by which it seems pretty certain the enemy are gone northwardly. The Council upon this advised me to suspend the march of the Troops: And in this State of uncertainty the matter now remains.

I shall be happy on all occasions to forward the views of Congress & contribute to the safety of the United States, & beg Leave to assure you of the most perfect Esteem with which I have the honor to be Sir,

Your most obedient Servant,

P. HENRY.

Honble HENRY LAURENS Esq^r.
President of Congress.

Colonel A. Laughrey to Patrick Henry.

WESTMORELAND COUNTY (PENNSYLVANIA) the 13th Nov. 1778.

HONORED SIR: I am heartily Sorry to have Cause to Inform you, that since the year 1774 there hath been Disputes Subsisting between the People of your State and ours which Causeth much Confusion in these parts. Our Militia which Enroled early in this County, not Privates only but Officers of distinction, have been taken, Confined and Sentenced to Serve in the Militia of your State, as may appear by the Enclosed Depositions, of which I could have sent many more. Notwithstanding I have used every Reconciliatory means for Settling these Disputes they are Still Encreasing, and doubtless will soon terminate in Blood if not timeously Prevented. For being put in trust for this Country by the State of Pennsylvania to call out the Militia thereof, I cannot in Duty to this State and People but oppose such Proceedings, as I presume they are irregular, as we Settled our Lands in Peace, and the Laws of Pennsylvania regularly Administered to us for Several Years without any Interruption; which Legislation we Claim as our right Until a Boundary can be Ascertained

which I hope may be accomplished Speedily. We have Petitioned our State on this Account, And in hopes your Excellency may Undertake to Stop such Violent Proceedings until a Regular Line take place, and give your Answer by this Express, Mr. Edmund Rice; of whom you may Enquire for Some Particulars not here Inserted. I shall Beg Leave to be Yr. Very

Humbl. Servt.

To His Excellency, PATRICK HENRY, Esq^r^
Governor of the State of Virginia.

By Express.

[This letter is endorsed as follows:]

This letter came to me unsigned, supposed to be omitted by mistake. It was written by order of Col Arch^d^ Laughrey, Co'ty Lieuten't of Westmoreland and copy'd by his clerk, but sent me by express from Col. Laughrey, & rec' Nov. 26th. 1778 and was accompanyed by sev'l depositions,

P. HENRY.

Patrick Henry to the Speaker of the House of Delegates.

WMS'BURG, Nov'r. 13th 1778.

SIR: Perhaps there is no crime which threatens the Commonwealth with greater calamity than that of counterfeiting the paper money; most of the attempts to check this evil have failed, by reason of the extensive and dangerous combinations formed by those who carry it on.

The effects of these associations appear in the rescue of some notorious offenders who have been seized from time to time, & in the actual murder of one man who had given information against the counterfeitors. Many who have been active in the apprehension of these offenders have suffered great losses in their property, by way of revenue from them; others have been beaten, wounded, shot at, and live in continual fear for their lives and property.

These enormities call for vigorous interposition, but I submit it, whether some special provision of the Legislature

is not absolutely necessary to cut off from society the acknowledged leaders of these dangerous men. Several papers and Informations on the subject accompany this, which I beg the favor of you to lay before the general assembly.

I am with great respect,

Your very h'b'le servant,

P. HENRY.

TO HON. BENJAMIN HARRISON ESQ.
Speaker of the House of Delegates.

Patrick Henry to the Virginia Delegates in Congress.

W^m^BURGH Nov^r 16. 1778.

GENTLEMEN: The Executive Power of this State having been impressed with a strong apprehension of incursions on their Frontier Settlements from the Savages situated about the Illinois, & supposing the Danger would be greatly obviated by an enterprize against the English Forts and possessions in that country, which were well known to inspire the savages with their bloody purposes against us, sent a detachment of Militia consisting of one hundred & seventy or eighty men, commanded by Colonel George Rogers Clarke, on that service some time last Spring. By despatches which I have just received from Colonel Clarke it appears that his success has equaled the most sanguine expectations. He has not only reduced Fort Chatres and its dependencies, but has struck such a Terror into the Indian tribes between that Settlement and the Lakes, that no less than five of them, viz: the Puans, Sacks, Renards, Powtowantanies & Miamies who had received the Hatchet from the English Emissaries, have submitted to our arms all their English presents, & bound themselves by Treaties and promises to be peaceable in future.

The Great Blackbird, the Chippowaw chief, has also sent a Belt of peace to Col. Clarke, influenced he supposes by the dread of Detroit's being reduced by the American arms.

This latter place, according to Colonel Clarke's representation, is at present defended by so inconsiderable a garrison, and so scantily furnished with provisions, for which they must be still more distressed by the loss of supplies from the Illinois, that it might be reduced by any number of men above five hundred. The Governor of that place, M^r^. Hamilton, was exerting himself to engage the Savages to assist him in retaking the places that had fallen into our hands, but the favourable impressions made on the Indians in general in that quarter, the influence of the French on them, & the reinforcement of their Militia Col. Clarke expected, flattered him that there was little danger to be apprehended. Included in the Despatches is a letter from Captain Helm, who commands a party posted by Col. Clarke at S^t^. Vincents. According to this information, the Wabash and Upper Indians, consisting of the Peankishows, Tawows, Peorias, Delawares, Pillakishaws, Marketans, & some of the Shawanese Chiefs, had also given up all their tokens of attachment to our Enemies, & pledged their fidelity to the United States. Capt^n^ Helm adds that he was on the point of setting out, with the assistance of part of the inhabitants of S^t^. Vincents & some of the principal Wabash Chiefs, with a view to retake a quantity of Merchandize seized by the English from Detroit, belonging to the people at S^t^. Vincents and on its way to them. The Captain speaks with confidence of success in their enterprize, & extends his hopes even to the destruction of Detroit, if joined on his way by the expected number of Indians & volunteers. My reason for troubling Congress with these particulars is, that they avail themselves of the light they throw on the State of things in the Western Country. If the party under Col. Clarke can co-operate in any respect with the measures Congress are pursuing, or have in view, I shall with pleasure give him the necessary orders. In order to improve and secure the advantages gained by Col. Clarke I propose to support him with a reinforcement of militia. But this will depend on the pleasure of the Assembly, to whose consideration the measure is submitted.

The French Inhabitants have manifested great zeal and attachment to our cause, & insist on Garrisons remaining with them under Col° Clarke. This I am induced to agree to, because the safety of our own frontiers, as well as that of these people, demands a compliance with the request. Were it possible to secure the S^t. Lawrence, and prevent the English attempts up that River by seizing some post on it, peace with the Indians would seem to me to be secured.

With great regard I have the Honor to be Gent^n
Your most obedient Servant
P. HENRY.

P. S. Great Inconveniences are felt here for want of Letters of marque.

Honble VIRG^A DELEGATES.

George Washington to Patrick Henry.

HEAD QU^RS FREDERICKSBURGH 23^d Nov^r 1778.

DEAR SIR: I have been honoured with yours of the 23^d Oct^r. enclosing an extract from an Act of the State of Virginia for recruiting the Continental army; the bounties and other encouragements offered by this Act are so liberal, that I think if men cannot be induced to inlist on such terms it will be in vain to think of offering anything higher. I have transmitted a copy to each of the officers commanding the three Virginia Brigades, but have not yet heard whether it has had any influence upon the men.

I have upwards of twenty thousand dollars in my hands belonging to the State, the Balance of money which was deposited last Spring to pay such as would reinlist upon a Bounty of twenty dollars. I shall apply that money as far as it will go to the payment of the bounties offered by the late Act, should I be called upon by the officers. Should that be expended I will call upon M^r Morse Agent to the State,

as you direct, and I should be very happy should the success of recruiting be such as to oblige me to draw upon your Delegates in Congress for a further sum.

I am &c.

GEO. WASHINGTON.

His Excellency, PATRICK HENRY ESQ.

Patrick Henry to Henry Laurens, President of Congress.

W^mBURGH Nov^r 23^d 1778.

SIR: I am Honoured with the Receipt of your Favour of the 14^th instant covering two acts of Congress, viz, one of the 10^th instant for obtaining from this State & Maryland, Gallies to attack East Florida, another of the 11^th for requesting permission to export from Petersburg in Virginia a Quantity of Flour and Bread for the use of his most Christian Majesty.

No Time has been lost in giving Efficacy & Despatch to both these Measures. Orders are issued at the Naval office to permit the exportation of the Flour and Bread as requested. I only wish that the French Gentlemen might be informed, that the quality of our Flour this Year is by no means equal to what it is in Common Harvests, owing to the Weavel & other Accidents.

In the Deliberation which was had on the subject of furnishing the requisite aid to attack Florida, the Council, with myself, ever anxious to forward the views of Congress, were not a little embarrassed. We have two vessels called Ship Gallies, drawing eight or nine feet water, carrying about eighteen 3 or 4 pounders, & one of them formed to use two heavy Guns in the Bow in still water with men, & about Six smaller Gallies, calculated for service in the Bay or rivers. The latter it is thought cannot without great danger of Sinking be sent to Sea—The former are therefore pitched upon to go on the service required, if Congress

think them fit. In the meantime Orders are given for them to be got in readiness which I'm informed may be in three weeks; and they will proceed to Charlestown unless they are countermanded by Congress.

Besides these two vessels there is the Ship Caswell belonging to this State stationed in North Carolina to protect the Trade. She carries about Guns, 12, 9 and 6 pounders, and 135 men, & draws about 5 feet water. I write to-day to Governor Caswell to know if she can be spared and if possible to get her added to the other two above described, for the expedition. When Congress were pleased to call for vessels fitted for this particular service, their designs might have been answered if the service had been explained. Not being favor'd with any such explanation I have been obliged to proceed with uncertainty.

When General M^cIntosh was directed to begin his operations on the frontiers against the Indians, I gave orders to fourteen Counties beyond the Mountains to furnish him with any number of militia he should call for. His Requisitions were sent to such of them as he chose long since. The number of Men sent to him, I know not. But a few Days ago three County Lieutenants appeared before the Council Board & informed, that their Counties & two others adjacent, were called upon by the General to send him 1,000 men immediately. These Gentlemen easily convinced the Executive that it was impossible to comply with this Demand, because it would be the 20^th December before the men could be assembled at some rendezvous to begin the march, & that no Tents, Kettles, Horses, provisions or Necessaries were to be had for the service, and because many of the Troops would have 400 miles to proceed thro' a Country chiefly Desert, & utterly unfurnished with those things which are essential to the support of human life at that inclement season when the snows are several Feet Deep on the great Ridges of Mountains, many of which lay in their Route. Knowing therefore the utter impossibility of the measure, the Council unanimously concurred with me in judging it necessary to countermand General M^cIntosh's

orders, & I have accordingly done so. The General shall be apprized of it as soon as possible, and will take his measures accordingly.

I did myself the Honor to inform you by Letter, which I doubt from yours has not reached your hands, of several matters respecting the marching of the militia from this State to Charles Town as was requested by Congress. When the requisition arrived here the Assembly were sitting. It became necessary to lay the matter before them as the Law gave the Power of marching the militia to a Sister State only in cases of actual invasion. An act was thereupon passed to enable the Executive to send out the Militia when *certain Intelligence* of *an intended* Invasion should be received. Just in that instant, when Orders were going to be sent to put the men in motion for Charles Town, a Letter from Governor Johnston arrived, by which it was apparent that the Enemy had no designs on that place but it is said meditated a Descent on the Eastern Shore. Upon this the Council thought with me it was proper to suspend the matter, & it has remained in that Suspense 'till the present time.

I send inclosed a List of Sundry Acts of Congress received since September last, most or all of which I thought I had acknowledged the Receipt of by particular addresses which I had the honor of sending you.

The variety of Matter which the present occasion calls on me to mention, will, I hope, plead my Excuse for the length of this letter.

I beg to be presented to Congress in the most acceptable manner, & in Terms expressive of that High Regard with which I have the Honor to be,

Sir,

Y^{r} mo. obed^{t} & very hble serv^{t},

P. Henry.

The Hon. President of Congress.

P. S. I am looking out for a Messenger to carry your Despatches to Gov^{r} Caswell.

Patrick Henry to the Speaker of the House of Delegates.

Nov. 27th. 1778.

SIR: The unsettled state of the boundary Line between the Commonwealth and Pennsylvania is likely to prove the source of much mischief. Consequences of the most alarming nature seem likely to follow if the Legislature do not interpose, the Executive not being competent to the business. The papers I send herewith relate to this subject which is become so interesting, and I beg you will please to lay them before the General Assembly.

I have the Honor to be,
Sir, Yr. most Hble. Servt.

P. HENRY.

The Honorable SPEAKER OF THE HOUSE OF DELEGATES.

Patrick Henry to Colonel Archibald Lochrey.

WMSBURGH Nov. 28th 1778.

SIR: I rec^{d} your Letter & the copys of Depo^{s} accompanying it, by Mr. Rice; But as no person's name is signed to the Letter, I am left to conjecture after the Author of it. Mr. Rice tells me you are the Author. I should have taken no notice of such an Epistle had it not been on such a subject as that of yours. Yesterday I laid the contents of all the papers you sent me before the general assembly that is now sitting here. And I have hopes that they will take some step, for restoring peace & Harmony to the unhappy people who live in the disputed Territory. When they do, I shall lose no Time in doing what shall be my part in the Business. In the mean Time I recommend to you, to use all your Influence, to exert all your power & authority, to preserve peace between your people & the Virginians. Do every thing, suffer every thing, to attain

this good End. Consider we have Enemys enough of the British & the Indians, without making Enemys of our own Brethren. For our People are Brethren, notwithstanding their little Feuds & Differences. We aim at the same thing. I verily believe, that if the Enemy make another Campaign, our differences will be the only thing that encourages them to do it. We will disappoint them and be friends.

I write to Col° Stephenson on the subject, and to several others. My desire, my earnest wish, is peace with our brethren. Let them not build too much on that, and be induced to behave amiss, but let them bear with their unlucky situation a little longer, and justice will be done. Communicate this very letter to your people whom I greet, and am sir,

Y^r h'ble servant,

P. HENRY.

COL. ARCH^D LOUGHREY,[1]
Westmoreland County, Pennsylvania.

Patrick Henry to the Virginia Delegates in Congress.

WMSBURG, DECEMBER 4^th 1778.

GENTLEMEN: The great distress our Trade has of late and does at present suffer, from the Ships and Privateers of the Enemy which infest our Coast, has given the Executive power inexpressible uneasiness. A great number of captures have been made, not only of Vessels belonging to this State, but of those belonging to our Allies and the other states. And as the long nights and windy season, during which it is well known European Merchantmen embarking in the American trade adventure with most confidence, have now taken place, it may be expected the vigilance of the Enemy and consequently our losses will daily increase. The departure of the French fleet from the American Coasts is

[1] Properly "Lochrey," a noted officer in the Indian wars in Western Pennsylvania.

another circumstance that will embolden them in their depredations, and enable them to shut up our ports, with a force so inconsiderable as to be easily spared from other services. In this situation of things, having no armed vessels of our own of sufficient strength to oppose even Privateers, except two which have been found on trial too slow to be of use against them, & which are besides soon to be sent against East Florida on the requisition of Congress, the Council have advised me to request your application to Congress for some naval assistance from them. As I am a total stranger to the Naval affairs of the Continent, it is impossible for me to determine what degree of aid can be afforded, or ought to be asked. A single Frigate, or even a single ship of less force, would render very essential service. But unless the Continental ships are engaged in some very critical enterprize, I cannot help suggesting, that the duty owing to our Allies who trade Chiefly into Chesapeake Bay, & the interest Maryland & Pennsylvania, and in some degree North Carolina, as well as Virginia, have in the protection of Trade through that Channel, evidently claim all the assistance Congress can possibly give us. Certain it is, that on no other station within the United States the remains of their fleet can be of such extensive benefit, or so easily & plentifully supplied with provisions; or if their destination be to distress the Trade of the Enemy, it may with the greatest probability be presumed, they would on our Coast save from the depredations of the Enemy ten vessels for one that would be captured by offensive Cruisers, not to mention the security of the former and the danger of the latter services. I have only to add, that it is the earnest wish of the Council, as well as myself, that this measure may be pressed on Congress in the most urgent terms.

I am,

Gent^{m} with great respect,

Yr. most obdt & Hble Servant,

P. HENRY.

The Hon. DELEGATES IN CONGRESS FROM VIRGINIA.

Patrick Henry to Colonel George Rogers Clark.

Decr 12. 1778.

You are to retain the Command of the troops now at the several posts in the county of Illinois and on the Wabash, which fall within the limits of the County now erected and called Illinois County, which troops marched out with, and have been embodied by you. You are also to take the Command of five other Companies, raised under the act of Assembly which I send herewith, and which if completed, as I hope they will be speedily, will have orders to join you without loss of time, and are likewise to be under your command; With your whole force you are to protect the Inhabitants of the County, & as occasions may serve, annoy the enemy.

It is thought that the Indian Nations may be overawed and inclined to peace with us, by the Adoption of proper measures with you. Or if that cannot be effected, that such of them as send out parties towards our Frontiers on this side of the Ohio, may be chastised by detachments from your quarter. For this purpose it will behove you to watch their motions, and to consider, that one great advantage expected from your situation is to prevent the Indians from warring on this side of Ohio.

In order more effectually to prevent this, you are to establish such posts in different parts of the Country as you judge best for your troops to occupy.

I consider your further success as depending upon the goodwill and friendship of the Frenchmen and Indians who inhabit your part of the Commonwealth. With their concurrence great things may be accomplished. But their animosity will spoil the fair prospect which your past successes have opened. You will therefore spare no pains to conciliate the affections of the French and Indians. Let them see and feel the advantages of being fellow citizens and freemen. Guard most carefully against every infringement of their property, particularly with respect to land, as

our enemies have alarmed them as to that. Strict, and even severe, discipline with your soldiers may be essential, to preserve from injury those whom they were sent to protect and conciliate. This is a great and capital matter, and I confide that you will never lose sight of it, or suffer your troops to injure any person without feeling the punishment due to the offence. The honor and interest of the state are deeply concerned in this, and the attachment of the French and Indians depends upon a due observance of it.

John Todd Esquire being appointed County Lieutenant according to law, during pleasure, with ample powers chiefly confined to the Civil Department, will have directions to act in concert with you wherever it can be done. On your part, you will omit no opportunity to give him the necessary co-operation of the troops, where the case necessarily requires it. Much will depend upon the mutual assistances you may occasionally afford each other in your respective departments, and I trust that a sincere cordiality will subsist between you. The contrary will prove highly detrimental. Some measures will be fallen on for carrying on a trade to supply goods for the inhabitants of your County. You will afford the agents such aid or protection from time to time as affairs require, and your circumstances will permit.

I send you herewith some copies of the act of Government and Bill of Rights, together with the French alliance. These will serve to show our new friends the ground upon which they are to stand, and the support to be expected from their countrymen of France. Equal liberty and happiness are the objects to a participation of which we invite them.

Upon a fair presumption that the people about Detroit have similar inclinations with those at Illinois and Wabash, I think it possible that they may be brought to expel their British Masters, and become fellow citizens of a free State. I recommend this to your serious consideration, and to consult with some confidential persons on the subject. Perhaps Mr. Gibault, the Priest (to whom this country owes many

thanks for his zeal and services,) may promote this affair. But I refer it to you to select the proper persons to advise with, and to act as occasion offers. But you are to push at any favourable occurrences which Fortune may present to you. For our peace and safety are not secure while the enemy are so near as Detroit.

I wish you to testify to all the subjects of Spain upon every occasion, the high regard and sincere friendship of this Commonwealth towards them. And I hope it will soon be manifest, that mutual advantages will derive from the Neighbourhood of the Virginians and the subjects of his Catholic Majesty.

I must observe to you that your situation is critical.

Far detached from the body of your country, placed among French, Spaniards, and Indian Nations, strangers to our people, anxiously watching your actions and behaviour, and ready to receive impressions favourable, or not so, of our Commonwealth and its Government, which impressions will be hard to remove, and will produce lasting good or ill effects to your country. These considerations will make you cautious and circumspect. I feel the delicacy and difficulty of your situation, but I doubt not your virtue will accomplish the arduous work with honor to yourself, and advantage to the Commonwealth. The advice and assistance of discreet good men will be highly necessary. For at the distance of your county, I cannot be consulted. General discretionary powers therefore are given you, to act for the best in all cases where these instructions are silent and the law has made no provision.

I desire your particular attention to Mrs. Rocheblave and her children, and that you suffer them to want for nothing. Let Mr. Rochblave's property, which was taken, be restored to his lady so far as it can be done. You have the sum of sixty pounds sent for her use, in case you can't find her husband's effects to restore.

Prudence requires that provisions be laid in to subsist the Troops you have, & those to be expected to arrive with you. Colonel Bowman has contracted to deliver 35.000^{lbs} Bear

Bacon at Kentucky. But bread must be had at Illinois. You will provide it, if possible, before the arrival of the Troops, or the necessity to buy it becomes general known, as perhaps advantages may be taken by raising the price. Lay up also a good stock of powder and Lead &c.

There is a cargo of goods at a Spanish post near you, belonging either to the Continent or this state. Rather than let your troops be naked, you are to take a supply for them out of these goods. But this is not to be done but in case of absolute necessity. Let an exact account be kept of what is used, and let me receive it.

In your negotiations or treatys with the Indians, you will be assisted by Mr. Todd. Let the treatys be confined to the subject of amity and peace with our people, and not to touch the subject of lands. You may accept of any services they offer for expelling the English from Detroit or elsewhere. In case you find presents to the savages necessary, make them sparingly as possible, letting them know our stock of Goods is small at present, but by means of our trade with the French and other nations, we expect plenty of Goods before it is long.

Lieutenant Colonel Montgomery will convey to you ten thousand pounds for payment of the troops, and for other matters requiring money. In the distribution of the money you will be careful to keep exact accounts from time to time, and take security where it is proper.

Yours &c.

P. HENRY.

COL. GEO. ROGERS CLARK,
Commander in Chief of the Virginia Troops in the County of Illinois.

Patrick Henry to Colonel John Todd.

DEC^{R} 12. 1778.

To JOHN TODD ESQ.: By virtue of the Act of General Assembly which establishes the County of Illinois, you are appointed County Lieutenant or Commandant there. And for the general course of your conduct, I refer to the law.

The grand objects which are disclosed to the view of your countrymen will prove beneficial or otherwise, according to the virtue and abilities of those who are called to direct the affairs of that remote Country. The present crisis, rendered so favourable by the good disposition of the French & Indians, may be improved to great purposes. But if unhappily it should be lost, a return of the same attachments to us may never happen. Considering therefore that early prejudices are so hard to wear out, you will take care to cultivate and conciliate the affections of the French and Indians.

Although great reliance is placed on your prudence in managing the people you are to reside among, yet considering you as unacquainted, in some degree, with their generous usages and manners, as well as the geography of the country, I recommend it to you to consult and advise with the most intelligent and upright persons who may fall in your way.

You are to give particular attention to Col: Clarke and his corps, to whom the State has great obligations. You are to co-operate with him in any military undertaking when necessary, and to give the military every aid which the circumstances of the people will admit of. The Inhabitants of Illinois must not expect settled peace and safety while their and our enemies have footing at Detroit, and can interrupt or stop the trade of the Mississippi. If the English have not the strength or courage to come to war against us themselves, their practice has been, and will be, to hire the Savages to commit murders and depredations.

Illinois must expect to pay in these a large price for her freedom, unless the English can be expelled from Detroit. The means for effecting this will not perhaps be found in your or Col. Clarke's power. But the French inhabiting the neighborhood of that place, it is presumed, may be brought to see it done with indifference, or perhaps join in the enterprise with pleasure. This is but conjecture. When you are on the spot, you and Col Clarke may discover its falacy or reality. If the former appears, defence only is to be the object—If the latter or a good prospect of it, I

hope the Frenchmen and Indians at your disposal will shew a zeal for the affair, equal to the benefits to be derived from established liberty and permanent peace.

One great good expected from holding the Illinois, is to overawe the Indians from warring on our Settlers on this side of the Ohio. A close attention to the disposition, character and movements of the hostile Tribes is therefore necessary for you.

The Forces and militia at Illinois, by being placed on the back of them, may inflict timely chastisement on those enemies whose Towns are an easy prey in the absence of their Warriors.

You perceive by these hints that something in the Military line may be expected from you. So far as the occasion calls for the assistance of the people comprising the militia, it will be necessary to co-operate with the Troops sent from hence. And I know no better general direction to give than this, that you consider yourself as at the Head of the civil department, and as such having the Command of the Militia, who are not to be under the command of the military, until ordered out by the civil authority and they act in conjunction with them.

You are on all occasions to inculcate on the people the value of liberty, and the difference between the state of free citizens of this Commonwealth, and that Slavery to which Illinois was destined.

A free and equal representation may be expected by them in a little time, together with all the Improvements in Jurisprudence which the other parts of the State enjoy.

It is necessary for the happiness, increase and prosperity of that country, that the Grievances which obstruct these blessings be known, in order to their removal. Let it be therefore your care to obtain information on that subject, that proper plans may be formed for the general utility. Let it be your constant attention to see that the Inhabitants have Justice administered to them for any Injuries received from the troops. The omission of this may be fatal. Col Clarke has instructions on this head, and will I

doubt not exert himself to curb all licentious parties of the Soldiery, which if unrestrained will produce the most baneful effects.

You will also discourage every attempt to violate the property of the Indians, particularly in their lands. Our enemys have alarmed them much on that score. But I hope from your prudence and justice, that no ground of complaint will be permitted to exist on this subject.

You will embrace every opportunity to manifest the high regard and friendly sentiments of this Commonwealth towards all the subjects of his Catholic Majesty, for whose safety, prosperity and advancement, you will give every possible advantage. You will make a tender of the Friendships and services of your people to the Spanish Commandant near the Kaskaskias, and cultivate the strictest connection with him and his people. I deliver you a letter which you will hand him in person.

The detail of your duty in the civil department I need not give you. Its best direction will be found in your innate love of Justice, and zeal to be extensively useful to your fellowmen. A general discretion to act according to the best of your Judgment in cases where those instructions are silent, and the laws have not otherwise directed, is given to you, from the necessity of the case: for your great distance from Government will not permit you to wait for orders in many cases of great importance.

In your negotiations with the Indians, confine the stipulations, as much as possible, to the single object of obtaining peace from them. Touch not the subject of lands or boundaries till particular orders are received. When necessity requires it, presents may be made: but be as frugal in that matter as possible, & let them know that goods at present are scarce with us, but we expect soon to trade freely with all the World, and they shall not want goods when we can get them.

The matters given you in charge are singular in their nature, & weighty in their consequences to the people immediately concerned, and to the whole state. They require

the fullest exertion of your abilities, and unwearied diligence.

From matters of general concern, you must turn occasionally to others of less consequence. Mr. Rocheblave's Wife and Family must not suffer for want of property, of which they were bereft by our Troops. It is to be restored to them if possible. If this cannot be done, the public must support them.

I think it proper for you to send me an Express once in three months, with a general account of affairs with you, and any particulars you wish to communicate.

It is contemplated to appoint an Agent to manage Trade on Public account, to supply Illinois and the Indians with goods. If such an appointment takes place you will give it every possible aid. The people with you should not intermit their endeavours to procure supplies on the expectation of this, and you may act accordingly.

Yours &c,

PATRICK HENRY.

JOHN TODD Esq.

Patrick Henry to Lieutenant-Colonel John Montgomery.

DECEMBER 12, 1778.

You are forthwith to put on foot the recruiting of men to reinforce Colonel Clarke at the Illinois, & to push it on with all possible expedition. As soon as the number of one hundred can be collected, let them be sent on under the proper officers and join Colonel Clarke. If you think that number too small to go in safety, add to it until you judge the number large enough to resist the attacks that may be expected from the Indians.

You will cause the proper vessels for transporting the Troops down the Cherokee River to be built and ready before they are wanted. Let no time be lost in doing that. Mr. James Buchanan you must direct to lay in the provisions necessary. You will get powder and flints from Colo-

nel Fleming's, and lead from the mines, sufficient for the use of the parties on their march.

Blank Commissions for the officers of five Companies are delivered you, to be filled up as the numbers of men they recruit shall entitle them as to date and Rank. If any officer who is intrusted to recruit shall fail to enlist and produce his quota in a reasonable time, such as the Exigence & pressing necessity to relieve and secure the Illinois Country do require, in that case the officer so failing is to give up the men he has enlisted together with his recruiting instructions to you, or such other person as you appoint to succeed him, and if the person you appoint to succeed him fails, in due time, to enlist and produce the Quota for which he undertakes to recruit, you are to make a new appointment until every Quota is full, or so near full as to be fit to march. You are to take especial Care to appoint men proper to be officers; and as this matter from the necessity of the Case is intrusted to you, an improper appointment will reflect great dishonour upon you.

As soon as the State of affairs in the recruiting business will permit, you are to go to the Illinois Country & join Colonel Clarke. I need not tell you how necessary the greatest possible Dispatch is to the good of the service in which you are engaged. Our party at Illinois may be lost, together with the present favorable Disposition of the French and Indians there, unless every moment is improved for their preservation, & no future opportunity, if the present is lost, can ever be expected so favorable to the Interest of the Commonwealth. I therefore urge it on you, to exert yourself to the utmost to lose not a moment to forward the great work you have in hand, and to conquer every difficulty in your way, arising from an inclement season, great distances, want of many necessaries, Opposition from enemies, and others I can't enumerate, but must confide in your Virtue to guard against & surmount.

Captain Isaac Shelby it is desired may prepare the boats. But if he can't do it, you must get some other person.

You receive ten thousand pounds cash for Col Clarke's

Corps, which you are to deliver him, except two hundred pounds for Captain Shelby to build the boats, and what other Incidental Expenses happen necessarily on your way, which are to come out of that sum.

Yours &c,

PATRICK HENRY.

LIEUTENANT COLONEL JOHN MONTGOMERY.

Patrick Henry to George Rogers Clark.

WILLIAMSBURG Jan 1, 1779.

SIR: The late assembly having made some alteration in the Western forces as stated to you in a former letter, I think it necessary to apprize you of it. They have directed your battalion to be completed, 100 men to be stationed at the falls of the Ohio under Major Slaughter, and one only of the additional battalions to be completed. Major Slaughter's men are raised, and will march in a few days, this letter being to go by him. The returns which have been made to me do not enable me to say whether men enough are raised to make up the additional battalion, but I suppose there must be nearly enough. This battalion will march as early in the spring as the weather will admit.

I hope that by this time the Spaniards have relieved us from the Natchez and Mansiack. I know therefore of but two objects between which you can balance for your next summer's operations. These are 1. an expedition against Detroit, or 2. against those tribes of Indians between the Ohio & Illinois rivers who have harassed us with eternal hostilities, and whom experience has shewn to be incapable of reconciliation. Removed at such a distance as we are, and so imperfectly informed, it is impossible for us to prescribe to you. The defences at Detroit seem too great for small arms alone; and if that nest was destroyed, the English still have a tolerable channel of communication with the North-

ern Indians, by going from Montreal up the Utawa river. On the other hand, the Shawanese, Mingoes, Munsies and the nearer Wiandots, are troublesome thorns in our sides. However we must leave it to yourself to decide on the object of the campaign; if against the Indians, the end proposed should be their extermination, or their removal beyond the lakes or Illinois river. The same world will scarcely do for them and us. I suppose it will be best for the new battalion to act with you all the summer, aided by a considerable part of Slaughter's men; and in the fall to fortify the posts we propose to take on the Ohio, and remain in them during the succeeding winter. The posts which have been thought of are the mouth of Fishing, or Little Kanhaway, Great Kanhaway, Sioto, Great Salt Lick, & Kentucky. There being posts already at Pittsburg, the mouth of Wheeling, & the Falls of Ohio, these intermediate ones will form a chain from Pittsburg to the falls. I have then only to wish that your post was at the mouth of Ohio, which would complete the line.

I am Sir with great respect,
Your very humble servt,
P. HENRY.

COLO. GEORGE ROGERS CLARKE.

Patrick Henry to John Jay, President of Congress.

WMSBURGH Jan 28th 1779.

SIR: This Day I am honor'd by your Despatches of the 13th, covering an Act of Congress for raising a Battalion of Troops to guard the British prisoners in Albermarle. The last general assembly passed a vote for raising this Battalion, & the orders for carrying it into effect have been issued about a month ago. I have not been informed of the success which the recruiting officers have had. I shall lose no time in communicating to them the vote of Congress, by which I find the Privates are entitled to a suit of

Clothes. Our Assembly directed a Bounty of thirty Dollars to be given, and I have hopes that both these bountys operating together will induce a sufficient number to enlist. If the Clothes could be forwarded to Albemarle, ready to be delivered, I think it would have a good effect.

With great regard I have the Honor to be,
Sir,
Yr most obed. servant.
P. HENRY.

HONBLE JOHN JAY Esq.
President of Congress.

P. S. I wish it may not be found very difficult to supply the Guards & Saratoga Troops with provisions at Charlottesville. But I fear I shall be obliged to say something more respecting the subject of these Troops soon, as I understand a great number of the officers are permitted to reside at Richmond Town, without consulting me. This place contains our Magazine and public records, & is very unfit for their Residence.

Colonel George Rogers Clark to Patrick Henry.

KASKASKIAS, ILLINOIS, Feby 3. 1779.

SIR: As it is now twelve months since I have had the least Intelligence from you, I almost despair of any relief sent me. I have for many months past had Reports of an army marching against De Troit, but no certainty. A late manuver of the Famous Hair Buyer, General Henry Hamilton Esq^{r}, Lieut: Governor of De Troit, hath allarmed us much: on the 16th of December last, he with a Body of Six Hundred men, composed of Regulars, French Volunteers and Indians, Took possession of St Vincent on the Waubash, what few men that composed the garrison not being able to make the least Defence. He is influencing all the Indians he possibly can to join him. I learn that

those that have treated with me, have as yet Refused his offers. I have for some time expected an attack from him, he has Block[d] up the Ohio R. with a party of French and Indians.

Yesterday I fortunately got every piece of Intelligence that I could wish for, by a Spanish Gent that made his escape from Mr. Hamilton. No attack to be made on the Garrison at Kaskaskias until the Spring. The passage is too difficult at present, his Indians sent to war against Different parts of the country, especially Kentucky. Belts, presents and speeches sent to all the Nations South of the Ohio, Amediately to meet at a General Council at the Mouth of the Tennessee R. to lay the Best plans for Cutting off the Rebels at Illinois and Kentucky &c—the Grand Kite and his Nation living at Fort St Vincent told Mr. Hamilton that he and his people was Big Knives, and would not give their hands any more to the English, for he would shortly see his Father that was at Kaskaskias. Ninety Regulars in Garison, a few Volunteers and about fifty Sawanay Indians that is shortly to go to war, they are very Busy in repairing the Fort, which will shortly be very strong. One brass six-pounder, two Iron four-pounders and two swivels mounted in the Bastians, plenty of ammunition and provisions, and all kinds of warlike stores, making preparation for the Reduction of the Illinois &c—has no suspition of a visit from the Americans—this was Mr. Hamiltons circumstances when Mr. Virgo left him.

Being sensible that without a Reinforcement, which at present I have hardly a right to expect, that I shall be obliged to give up the Country to Mr. Hamilton without a turn of fortune in my favor, I am Resolved to take advantage of his present situation and Risque the whole in a single Battle. I shall set out in a few Days, with all the Force I can Raise of my own Troups, and a few militia that I can depend on, Amounting in the whole to only Hundred and Seventy men, some of which go on Board a small Gally fitted out some time ago, mounting two four pounders and four large Swivels, one nine

pounder on board. This boat is to make her way good if possible, and take her Station Ten Leagues below St Vincent until further orders, if I am Defeated she is to join Col: Rogers on the Mississippi: She has great stores of amunition on Board Com^{d} by Lieut: Jno: Rogers. I shall march across by Land myself with the rest of my boys, the principle persons that follow me on this forlorn hope is Cap^{ts} Joseph Bowman, John Williams, Ed^{w} Worthing—Rich^{d} Mc Carty & Fran^{s} Charlovielle—Lieu^{ts} Richd Brashear, W^{m} Kellar, Ab^{m} Chaplin, Jn^{o} Jerault, and Jno Bayley, and several other Brave subalterns. You must be sensible of the Feeling that I have for those Brave officers and soldiers that are Determined to share my Fate, let it be what it will. I know the case is Desperate, but sir we must either quit here or attack Mr Hamilton. No time is to be lost, was I shoar of a Reinforcement I should not attempt it. Who knows what fortune will do for us: Great things have been effected by a few men well conducted. Perhaps we may be fortunate. We have this consolation that our cause is Just, and our Country will be grateful and not condemn our conduct, in case we fall through; if so this Country as well as Kentuckey I believe, is lost. I have wrote to Col: Rogers Desiring of him not to enter the Ohio River until further Intelligence from me. I learn by a noble stroke of policy that he has Got his Cargo above the British Posts in Floriday, if I have Success I shall amediately send Despatches to him. The expresses that you have sent I expect has fallen into the hands of Governor Hamilton.

I have the Honour to be Sir,

Your very Humble Serv^{t},

GEO. ROGERS CLARK.

His Excellency, PATRICK HENRY, ESQ.
Gov^{r} of Virginia.

George Washington to Patrick Henry.

HEAD QU^RS MIDDLE BROOK, 7th Febry: 1779.

DEAR SIR: I had the honor of receiving yours of the 9^th ulto. while at Philadelphia, from whence I returned two days ago. I have not yet had an opportunity of consulting the officers of the Virginia line upon the most proper and agreeable mode of carrying the Act of the State, intended for their benefit and that of the troops, into execution; but I myself am at present of opinion, that the six months pay allotted to the Privates had better be laid out in some kind of necessaries, or applied to the use of their families, than paid into their own hands. I will however inform you the moment I obtain their opinions, and at the same time make you the return of those entitled to the State bounty.

I will take care to appoint either a general or field officer to superintend the recruiting service in Virginia, but it will not be in my power to give him authority to liquidate or settle any old accounts between the State and Continent.

I have the honor to be with the greatest respect,

Your Excell^y most ob^t serv^t,

GEO: WASHINGTON.

His Excellency, PATRICK HENRY ESQ.
Gov^r of Virginia.

Richard Henry Lee to Patrick Henry.

BELLEVIEW, Feb'y 10, 1779.

MY DEAR SIR: I'm here in my way to Congress. I have seen the Tyrant's speech to his corrupt Parliament last November. It breathes war altogether, and renders it of the last importance to be prepared with a strong Army to defeat his wicked purposes. Dr. Lee writes me in Nov'r

that Gen. Howe is to return to the command here, and he says "Moloch's principle prevails with the absolute ruler of these measures, in which if he cannot hope for victory he expects revenge." Mr. Wm. Lee writes from Frankfort, Oct'r 15, "At all events I am determined to attend to the appointment of Virginia. My brother and myself have already done a good deal, and I am now endeavoring to borrow money to complete their orders, and you may assure the State that I will do everything that is possible to comply with all their orders." The Emperor and the King of Prussia have gone into winter quarters without having fought a battle. The former winters in Bohemia, the latter Selesia and Saxony. The effort seems to have been to winter the Prussians in Bohemia, but this has been prevented, notwithstanding the very great military Talents of the king of Prussia and his brother. Holland appears much more inclined to our side than that of England—It is probable the latter will fail of getting monied assistance from the Dutch. Mons'r Penet is now on his way to look at our Cannon works near Richmond. This Gentleman combined, I understand, with persons of much ability, have imported and proposed to import more than 200 workmen, the most able in the art of making small Arms complete, and casting all kinds of Cannon. They propose doing everything at their own expense, and to supply on contract any number of completely fitted Muskets or Cannon at a fixed price. They want only a fit place to sit down on. Your wisdom and patriotism will discover in a moment how extensively useful it will be to our Country to have these people fixed with us. A just estimate being put on our works and their Arms, We may thus be repaid in a most useful manner the expense we have already incurred, which will otherways, I fear, be lost altogether. To be independent of external aid for these primary articles of defence, is surely a most capital object. I really think that it would require at least 100,000 stand of good arms, and more than an hundred pieces of Cannon to put our state in a proper posture of defence. If you view this matter in the light that I do, Mr.

Penet will, I am sure, meet with all possible encouragement. I have the honor to be with great esteem, dear Sir, your most affectionate and obedient servant,

RICHARD HENRY LEE.

P. S.—The Deaneans I find are aiming at an occlusion of the Press, except for the admission of their libels. Monopolised Press and Monopolised Commerce will never do for a free Country.

His Excellency PATRICK HENRY.

George Washington to Patrick Henry.

HEAD QU^RS MIDDLE BROOK 13^th Feby 1779.

SIR: Agreeable to a stipulation between Sir Henry Clinton and myself, I have granted passports for the three following vessels, the Ship Polly, Reed Master, the Brig Lady Howe, Steady Mas^r, and Schooner Genl. Phillips, Hare Master, all laden with clothing and stores for the Troops of the Convention at Charlottesville and the British prisoners of war at Fort Frederick, to proceed to Hampton Road, in Virginia, and there take your Excellency's orders for discharging their cargoes at such place as you shall deem proper, having in view the convenience of transporting the stores to Charlottesville.

I thought it most prudent to oblige the Ships to come to in Hampton Road and take your directions, not knowing into what port it would be most proper to admit them. I have informed Sir Henry Clinton that orders shall, if possible, meet the Ships at Hampton, that they may not be unnecessarily detained in the Road: be pleased therefore to have them lodged there should my letter reach you before the Ships arrive. I have the honour &c.

GEO. WASHINGTON.

His Excellency PATRICK HENRY ESQ.

P. S. Should these vessels after discharging their Cargoes return directly to New York, be pleased to grant them passports for that purpose. If they do not return to New York, they should be allowed a protection until they have cleared our coasts to a reasonable distance.

President Joseph Reed to Patrick Henry.

PHILADA. Feb'y 21, 1779.

SIR: The severe Depredations lately committed by the enemy upon our coast & in our river, have very justly alarmed the authority of the State, as well as the merchants who are more immediately interested. And as we apprehend a seasonable and vigorous exertion will give them a check, we are resolved to make it with all possible Dispatch. In the present scarcity of seamen, we apprehend it will be indispensably necessary to secure them by laying an Embargo on all outward Bound Vessels, until we can man the Vessels necessary for the Purpose. But this will be a very partial & ineffectual Remedy, unless the neighboring States concur with us in the Measure.

I am therefore to request your Excell'y, to lay the Proposition before the proper Authority of the State over which you preside, and to request a Union of Councils & Force, as far as circumstances will admit. Assuring you that our operations will be extended beyond the immediate local views and reach of the State, if thereby the Designs of the Enemy may be more effectually counteracted & defeated.

I have now only to acquaint your Excellency, that from late advices we are not likely to receive any Assistance from the Dean Frigate on this occasion, as she has to cruize in the latitude of Bermudas, instead of keeping the Coast as was expected.

I shall be glad to hear from your Excellency on this subject as soon as possible, & am

Sir, with much Respect,
Your Excell'ys most
Obed & very Hble Servt.

JOSEPH REED.

His Excellency GOVERNOR HENRY
of Virginia.

Richard Henry Lee to Patrick Henry.

PHILA., Feb'y 28, 1779.

MY DEAR SIR: I arrived here on the 19th, thro the worst roads that I ever travelled over. I find business of faction here pretty much at an end by the thorough exposure of its author, Mr. Silas Deane, who, if I am rightly informed, regrets extremely his publication of December the 5th. But be this as it may, he has certainly gained nothing by it here in the public opinion. I inform you with pleasure Sir, that the King of France has formally agreed to rescind the 11th and 12th articles of the treaty of Commerce, so that now, the only unequal parts being removed, it rests upon the liberal ground of fair equality in every part. We are certainly indebted to Dr. Lee's attention for this beneficial alteration, for which the honest voice of posterity will indubitably thank him when the poison of wicked faction shall cease to operate. The King of the two Sicilys has opened his ports to the vessels of the United States, which is a good omen of Spanish attachment to our cause. Indeed we have abundant reason to believe that Great Britain will not get assistance from any power in Europe to carry on the war against us, and already our good Ally has made great havoc among the Privateers and with the trade of our enemies. We hear that 7000 British Seamen are now prisoners in the jails of old France. Notwithstanding these favorable appearances it certainly behooves us to get a strong army in the field, as the enemy have yet here a strength sufficient to do much mischief if they are not properly opposed. From the best accounts that I can collect, it appears that they have not less than 11,000 men at New York and Rhode Island. Yesterday accounts from Jersey told us the enemy had landed at Elizabeth Town, and had burned Gov. Livingston's house, and were advancing into the country. Our army was preparing to resist them, and if they do not quickly return I hope we shall give a good account of them. The enemy

have published some curious letters of Mr. Braxton's which they have intercepted. I am informed they will be republished here, and when they are I will send you the paper.

I am with much esteem, dear Sir, affectionately yours,

RICHARD HENRY LEE.

His Excellency PATRICK HENRY Esq.

P. S.—The enemies attempt upon Gen. Maxwell in the Jersies has turned out to our honour and their disgrace. Instead of surprising Gen. Maxwell, they themselves were surprised by his being prepared. The enemy were forced to retire with loss and disgrace, and without burning Livingston's house.

R. H. LEE.

MARCH 2.

Richard Henry Lee to Patrick Henry.

PHILADELPHIA, March 3d, 1779.

SIR: Your letter to the Delegates of the 29th of Feb. has been laid before the marine committee, in consequence of the business of retaliation on Marine prisoners having been referred by Congress to that committee, as you will see by the resolve of July 27th last, which is inclosed. The committee make a distinction between such prisoners as properly belong to a particular state, and such as are continental being made so by the arms of the U. S. The former each state will avail itself of for the benefit of their own people in the power of the enemy, as a Cartel can be agreed on with the enemy by such state, as hath been frequently done by the Eastern States. Or such prisoners may, at the pleasure of the state to whom they belong, be delivered to the Continental Commissary for common benefit. At present no Cartel has ever been, or could be, settled with the enemy for American prisoners in G. B. They being unwilling there to recognise us in such a light as Cartel would place us, and therefore their exchanges have been confined to prisoners in America only. We have

however some reason to expect that the exchange may shortly extend to Great Britain. In the meantime, sir, the State of Virginia will see, by the resolve of Congress enclosed, what are the sentiments of this body on the subject of retaliation, and will adopt their mode, if it shall be thought proper, with such prisoners as belong immediately to the State of Virginia—I have the honor to be with sentiments of esteem and regard Sir, your most obedient and very humble servant,

RICHARD HENRY LEE.
Ch[r] M. Committee.

His Excellency PATRICK HENRY Esq.

Patrick Henry to Joseph Reed.

W[m]BURG. March 13[th] 1779.

SIR: Your Favor of the 21[st] ult[o] is come to hand, & I should gladly cooperate with you in the salutary design of checking the enemy's depredations on the trade of these states, by laying a general Embargo, if the Law had given authority to do so. But as this is not the case, all I can do will be to lay the matter before the next General Assembly, which meets the first Monday in May. With great regard I have the Honor to be &c.

P. HENRY.

His Excellency JOSEPH REED,
Pres[t] &c. Pennsylvania.

Patrick Henry to George Washington.

WILLIAMSBURG, 13. March, 1779.

SIR: The reasons hinted in your Excellency's last favor are certainly of such weight as to prevent the flag of truce vessels, coming with stores, &c., for the Convention troops, from proceeding further than Hampton Roads. Orders

are therefore issued to-day, for vessels of our own to be ready at that place to convey the stores upwards to their destination, under the superintendence of proper Commissaries.

My last accounts from the south are unfavorable. Georgia is said to be in full possession of the enemy and South Carolina in great danger. The number of disaffected there is said to be formidable, and the Creek Indians inclining against us. One thousand militia are ordered thither from our southern counties; but a doubt is started whether they are by law obliged to march. I have also proposed a scheme to embody volunteers for this service; but I fear the length of the march, and a general scarcety of bread which prevails in some parts of North Carolina and this State, may impede this service. About five hundred militia are ordered down the Tennessee River, to chastise some new settlements of renegade Cherokees that infest our southwestern frontier and prevent our navigation on that river, from which we began to hope for great advantages. Our militia have full possession of the Illinois, and the post on the Wabash; and I am not without hopes that the same party may overawe the Indians as far as Detroit. They are independent of General McIntosh, whose numbers, although upwards of two thousand, I think could not make any great progress, on account, it is said, of the route they took, and the lateness of the season.

The conquest of Illinois and Wabash was effected with less than two hundred men, who will soon be reinforced; and by holding posts on the back of the Indians, it is hoped may intimidate them. Forts Natchez and Morishac are again in the enemy's hands; and from thence they infest and ruin our trade on the Mississippi, on which river the Spaniards wish to open a very interesting commerce with us. I have requested Congress to authorize the conquest of those two posts, as the possession of them will give a colorable pretence to retain all West Florida, when a treaty may be opened, and, in the mean time, ruin our trade in that quarter, which would otherwise be so beneficial. I

can get no answer to this application, although it is interesting to our back settlements, and not more than four hundred men required for the service.

I beg pardon for intruding these several subjects upon you. If you find leisure to make any observations upon them they will be highly acceptable. With every sentiment of regard and esteem, I am dear Sir,

Your most obedient servant,

PATRICK HENRY.

His Excellency GEN^{L} GEORGE WASHINGTON.

Col. Arthur Campbell to Patrick Henry.

WASHINGTON COUNTY, March 15, 1779.

SIR: The number of militia of this county, as returned to me by the officers, is 965, in this is included those engaged for the Illinois Service, and that of Chickamogga—I expect Col. Shelby will write by this opportunity, concerning the steps taken in that business—Great ardor appears among the militia in this County in turning out, notwithstanding apparent discouragements, and many obstacles to surmount. N°. Carolina gives fifty dollars bounty, and one dollar per day, by means of which they have recruited a number of Men out of our companies, and the Confidence in, and affection for their Government seems to be much increased—By Isaac Thomas, lately from the nation, I find Cameron and his Deputies is straining every nerve to engage the whole of the Cherokees to commence hostilities; however by the apparent disposition of the Old Towns, I think there he will be unsuccessful, altho' it is likely they will show their willingness to attend his Treaty, and receive the proposed presents. The scheme it is said is, to prevail with the Inhabitants of the Old Towns to remove to Chickamogga — From this representation your Excellency may consider whether it would not answer a good purpose (sup-

posing Col° Shelby successful) to establish a Garrison at Chickamogga, or somewhere on the bank of the River between that and the Old Towns—I am told the Mouth of Clinch is an advantageous place; perhaps it will be best this should be made at Continental Expense, as it will be in the limits of Carolina—

The Indians have lately killed one Man, and another is missing in Kentucky near Fort Boone, from which, and News lately from Fort Laurens, I conclude we will be distressed by a Northward Indian War the ensuing summer also.

I am Sir,
Your most Obedient Hbl servt.
&c &c ARTHUR CAMPBELL.

Patrick Henry to the Virginia Delegates in Congress.

WMSBURGH April 23d 1779.

GENTLEMEN, I have received a Letter from the Colonel of the Battalion of Guards at the Barracks of ye Convention. Troops complaining most bitterly for the want of Clothes, Congress having promised them to this Corps, makes it proper to apply through you Gentlemen for them. I beg Leave to say that ye Guards are in the utmost Distress for want of Clothes, and unless they are supplied in the most speedy manner I fear the Consequences, as Desertions have begun already to take place.

I am,
Gentlemen,
Yr mo. obdt Servant,
P. HENRY.

Honble the VIRGINIA DELEGATES.

George Rogers Clark to Patrick Henry.

KASKASKIAS, ILLINOIS, April 29, 1779.

DEAR SIR: A few days ago, I received certain intelligence of William Morris, my express to you, being killed near the falls of Ohio: news truly disagreeable to me, as I fear many of my letters will fall into the hands of the enemy at Detroit, although some of them as I learn were found in the woods torn in pieces. I do not doubt but before the receipt of this, you will have heard of my late success against Governor Hamilton, at post St. Vincennes. That gentleman, with a body of men, possessed himself of that post on the 15th of December last, repaired the fortifications for a repository, and in the spring meant to attack this place, which he made no doubt of carrying; where he was to be joined by two hundred Indians from Michilimackinac, and five hundred Cherokees, Chickasaws, and other nations. With this body he was to penetrate up the Ohio to Fort Pitt, sweeping Kentucky on his way, having light brass cannon for the purpose, joined in his march by all the Indians that could be got to him. He made no doubt that he could force all West Augusta. This expedition was ordered by the commander-in-chief of Canada. Destruction seemed to hover over us from every quarter; detached parties of the enemy were in the neighborhood every day, but afraid to attack. I ordered Major Bowman to evacuate the fort at the Cohas, and join me immediately, which he did. Having not received a scrape of a pen from you for near twelve months, I could see but little probability of keeping possession of the country, as my number of men were too small to stand a siege, and my situation too remote to call for assistance. I made all the preparations I possibly could for the attack, and was necessitated to set fire to some of the houses in the town to clear them out of the way. But in the height of the hurry, a Spanish merchant, who had been at St. Vincennes, arrived, and gave the following intelligence: That Mr. Hamilton had weak-

ened himself, by sending his Indians against the frontiers, and to block up the Ohio; that he had not more than eighty men in garrison, three pieces of cannon and some swivels mounted; and that he intended to attack this place as soon as winter opened, and made no doubt of clearing the western country by the fall. My situation and circumstances induced me to fall on the resolution of attacking him before he could collect his Indians again. I was sensible the resolution was as desperate as my situation, but I saw no other probability of securing the country. I immediately dispatched a small galley, which I had fitted up, mounting two four-pounders and four swivel, with a company of men and necessary stores on board, with orders to force her way, if possible, and station herself a few miles below the enemy, suffer nothing to pass her, and wait for further orders. In the mean time I marched across the country with one hundred and thirty men, being all I could raise after leaving the place garrisoned by the militia. The inhabitants of the country behaved exceedingly well; numbers of young men turned out on the expedition, and every other one embodied to guard the different towns. I marched the 7th of February. Although so small a body, it took me sixteen days on the route. The inclemency of the season, high waters, &c., seemed to threaten the loss of the expedition. When within three leagues of the enemy, in a direct line, it took us five days to cross the drownded lands of the Wabash river, having to wade often upwards of two leagues to our breast in water. Had not the weather been warm, we must have perished. But on the evening of the 23d we got on dry land, in sight of the enemy, and at seven o'clock made the attack before they knew anything of us. The town immediately surrendered with joy and assisted in the siege. There was a continual fire on both sides, for eighteen hours. I had no expectation of gaining the fort until the arrival of my artillery. The moon setting about one o'clock, I had an entrenchment thrown up within rifle shot of their strongest battery, and poured such showers of well-directed balls into their ports, that we si-

lenced two pieces of cannon in fifteen minutes without getting a man hurt.

Governor Hamilton and myself had on the following day several conferences but did not agree until the evening, when he agreed to surrender the garrison (seventy-nine in number) prisoners of war, with considerable stores. I got only one man wounded; not being able to lose many, I made them secure themselves well. Seven were badly wounded in the fort through the ports. In the height of this action an Indian party that had been to war, and taken two prisoners, came in, not knowing of us.

Hearing of them I dispatched a party to give them battle in the commons, and got nine of them, with the two prisoners, who proved to be Frenchmen. Hearing of a convoy of goods from Detroit, I sent a party of sixty men, in armed boats well mounted with swivel, to meet them, before they could receive any intelligence. They met the convoy forty leagues up the river, and made a prize of the whole, taking forty prisoners and about ten thousand pounds worth of goods and provisions; also the mail from Canada to Governor Hamilton, containing, however, no news of importance. But what crowned the general joy, was the arrival of William Morris, my express to you, with your letters, which gave general satisfaction. The soldiery being made sensible of the gratitude of their country for their services, were so much elated that they would have attempted the reduction of Detroit, had I ordered them. Having more prisoners than I knew what to do with, I was obliged to discharge a greater part of them on parole. Mr. Hamilton, his principal officers and a few soldiers, I have sent to Kentucky under a convoy of Captain Williams, in order to be conducted to you. After dispatching Morris with letters to you, treating with the neighboring Indians, &c., I returned to this place, leaving a sufficient garrison at St. Vincennes.

During my absence, Captain Robert George, who now commands the company formerly commanded by Captain Willing, had returned from New Orleans, which greatly

added to our strength. It gave great satisfaction to the inhabitants, when acquainted with the protection which was given them, the alliance with France, &c. I am impatient for the arrival of Colonel Montgomery, but have heard nothing of him lately. By your instructions to me I find you put no confidence in General McIntosh taking Detroit, as you encourage me to attempt it if possible. It had been twice in my power. Had I been able to raise only five hundred men when I first arrived in the country, or when I was at St. Vincennes, could I have secured my prisoners, and only have had three hundred good men, I should have attempted it; and since learn there could have been no doubt of success, as by some gentlemen lately from that post, we are informed that the town and country kept three days in feasting and diversions, on hearing of my success, and that the merchants and others provided many necessaries for us on our arrival; the garrison, consisting of only eighty men, not daring to stop their diversions. They are now completing a new fort, and I fear too strong for any force I shall ever be able to raise in this country. We are proud to hear Congress intends putting their forces on the frontiers under your direction. A small army from Pittsburg, conducted with spirit, may easily take Detroit, and put an end to the Indian war. Those Indians who are active against us, are the six nations, part of the Shawnese, the Meamonies, and about half the Chessaweys, Ottawas, Iowaas, and Pottawatimas nations, bordering on the lakes. Those nations who have treated with me, have behaved since very well; to wit, the Peankishaws, Kiccapoos, Orsaottenans of the Wabash river, the Kaskias, Perrians, Michigannies, Foxes, Sacks, Opays, Illinois, and Pones, nations of the Mississippi and Illinois rivers. Part of the Chessaweys have also treated, and are peaceable. I continually keep agents among them, to watch their motions and keep them peaceably inclined. Many of the Cherokees, Chickasaws, and their confederates, are, I fear, ill disposed. It would be well if Colonel Montgomery should give them a dressing, as he comes down the Tennessee. There can be no peace ex-

pected from many nations while the English are in Detroit. I strongly suspect they will turn their arms against the Illinois, as they will be encouraged. I shall always be on my guard, watching every opportunity to take the advantage of the enemy, and if I am able ever to muster six or seven hundred men, I shall give them a shorter distance to come and fight me, than at this place.

There is one circumstance very distressing, that of our moneys being discredited to all intents and purposes, by the great number of traders who came here in my absence, each out bidding the other, giving prices unknown in this country by five hundred per cent., by which the people conceived it to be of no value, and both French and Spaniards refused to take a farthing of it. Provision is three times the price it was two months past, and to be got by no other means than my own bonds, goods, or force. Several merchants are now advancing considerable sums of their own property rather than the service should suffer, by which I am sensible they must lose greatly, unless some method is taken to raise the credit of our coin, or a fund be sent to New Orleans for the payment of the expenses of this place, which would at once reduce the price of every species of provision ; money being of little service to them, unless it would pass at the ports they trade at. I mentioned to you my drawing some bills on Mr. Pollock in New Orleans, as I had no money with me. He would accept the bills, but had not money to pay them off, though the sums were trifling, so that we have little credit to expect from that quarter. I shall take every step I possibly can for laying up a sufficient quantity of provisions, and hope you will immediately send me an express with your instructions. Public expenses in this country have hitherto been very low, and may still continue so if a correspondence is fixed at New Orleans for payment of expenses in this country, or gold and silver sent. I am glad to hear of Colonel Todd's appointment, I think government has taken the only step they could have done to make this country flourish and be of service to them. No other regulation would have

suited the people. The last account I had of Colonel Rogers, was his being in New Orleans, with six of his men. The rest he left at the Spanish Ozark, above the Natches. I shall immediately send him some provisions, as I learn he is in great want. I doubt, he will not be able to get his goods up the river except in Spanish bottoms. One regiment would be able to clear the Mississippi, and do great damage to the British interest in Florida, and by properly conducting themselves, might perhaps gain the affection of the people, so as to raise a sufficient force to give a shock to Pensacola. Our alliance with France has entirely devoted this people to our interest. I have sent several copies of the articles to Detroit, and do not doubt but they will produce the desired effect. Your instructions I shall pay implicit regard to, and hope to conduct myself in such a manner as to do honor to my country.

I am with great respect your humble servant,

G. R. CLARK.

His Excellency Gov^{r} HENRY.

P. S.—I understand there is a considerable quantity of cannon ball at Pittsburg. We are much in want of four and six pound ball. I hope you will immediately order some down.

Patrick Henry to John Jay, President of Congress.

WILLIAMSBURG, 11th May, 1779.

SIR: On Saturday last (the 8th) in the Evening a British Fleet amounting to about thirty sail consisting of one 64 Gun Ship (supposed by some to be the Saint Albans) and fifteen or sixteen large ships, some of them either Frigates or armed Vessels, it is not known certainly which, and the other vessels of lesser size, came into the Bay of Chesapeake, and the next day proceeded to Hampton Road; where they anchored and remained quiet until Yesterday about Noon, when several of the Ships got under way, and proceeded towards Portsmouth, which place I have no doubt

they intend to attack by water, or by land, or by both, as they have many flat-Bottomed Boats with them for the purpose of landing their Troops. As I too well know the weakness of that Garrison, I am in great Pain for the consequences, there being great Quantities of merchandize, the property of French Merchants and others in this State, at that Place, as well as Considerable Quantities of military Stores, which tho' measures some time since were taken to remove, may nevertheless fall into the Enemy's hands. Whether they may hereafter intend to fortify and maintain this Post is at present unknown to me, but the Consequences which will result to this State and to the United States finally, if such a measure should be adopted, must be obvious. Whether it may be in the power of Congress to adopt any measures which can in any Manner Counteract the design of the Enemy is submitted to their Wisdom. At present I cannot avoid intimating, that I have the greatest Reason to think that many vessels from France, with public and private merchandize, may unfortunately arrive while the Enemy remain in perfect possession of the Bay of Chesapeake, and fall Victims unexpectedly.

Every precaution will be taken to order Look out boats on the Sea coasts to furnish proper intelligence, but the Success attending the Execution of this necessary measure will be precarious in the present situation of Things.

It is not in my Power to be more explicit at this Time, but the Weightiness of this Affair has induced me not to defer sending the best Information I cou'd obtain by Express.

You may depend, that so soon as further particulars respecting the Designs of the Enemy shall come to my knowledge, they shall be communicated without delay to Congress.

With great Regard,
I have the Honor to be
Sir,
Your most obedient Servant,
P. HENRY.

To the HON. PRESIDENT OF CONGRESS.

Patrick Henry to John Jay, President of Congress.

Wᵐˢburgh, May 12th 1779.

Sir: I addressed you yesterday upon a Subject of the greatest consequence. The last Night brought me the fatal account of Portsmouth being in possession of the enemy—their force was too great to be resisted, and therefore the Fort was evacuated after destroying one Capital Ship belonging to this State and one or two private ones loaded with Tobacco—Goods & Merchandize however of very great value fall into the Enemy's Hands. If Congress cou'd by solicitations procure a Fleet superior to the Enemy's Force to enter Chesapeak at this critical Period, the prospect of Gain and advantage wou'd be great indeed.

I have the Honor to be with the greatest regard
Sir,
Your most humble &
Obedient Servant,
P. Henry.

To the Hon. President of Congress.

Patrick Henry to the Speaker of the House of Delegates of Virginia.

May 18th 1779.

Sir: I have enclosed a Letter for the perusal of the assembly, from Colº Clark at the Illinois. This Letter among other things informs me of an expedition which he had plann'd and was determined to execute, in order to recover Fort Sᵗ Vincent, which had been formerly taken from the British Troops, and garrisoned by those under the Colonel's Command. This Enterprise has succeeded to our utmost wishes, for the Garrison commanded by Henry Hamilton, Lieutenant Governor of Detroit, and consisting of British Regulars and a number of Volunteers were made Prisoners

of war. Col° Clark has sent the Governor, with several officers and privates under a proper Guard, who have by this time arrived at New London, in the County of Bedford. Proper measures will be adopted by the executive for their confinement & security—Unfortunately the Letters from Col° Clark, containing no doubt particular accounts of this affair, were in the possession of the Express, who was murdered by a party of Indians on his way through Kentucky to this place: The letters as I am informed were destroyed. As the facts which I have mentioned are sufficiently authenticated, I thought it material that they should be communicated to the Assembly.

I have the honor to be
Yr: most obedient servant,
PATRICK HENRY.

To the HON. SPEAKER OF THE HOUSE OF DELEGATES.

Patrick Henry to the President of Congress.

WILLIAMSBURGH, May 21st 1779.

SIR: Being in the greatest Haste to dispatch your Express I have not time to give you any very particular Information concerning the present Invasion; let it suffice therefore to inform Congress that the number of the Enemy's Ships are nearly the same as was mentioned in my former Letter; with Regard to the number of the Troops which landed and took Portsmouth, and afterwards proceeded and Burnt, Plundered and destroyed Suffolk, committing various Barbarities, &c^a^ we are still ignorant, as the accounts from the Deserters differ widely; perhaps however it may not exceed 2,000 or 2,500 men.

I trust that a sufficient number of Troops are embodied and stationed in certain Proportions at this Place, York, Hampton, and on the South side of James River.—When

any further particulars come to my Knowledge they shall be communicated to Congress without delay.

I have the Honor to be,
Sir,
Y^r hb^le Serv^t.
P. HENRY.

To the HON'BLE PRESIDENT OF CONGRESS.

(P. S.) I am pretty certain that the Land Forces are commanded by Genl Matthews, & the Fleet by Sir Geo. Collier.

Yr Letter inclosing several Resolutions was this day received and laid before the General Assembly.

Patrick Henry to the Speaker of the House of Delegates.

MAY 25. 1779.

SIR: A certain Zechariah Snead was detected going secretly to the British Flag Vessels, and being examined, and found to lay under very strong suspicions of disaffection, has been ordered to goal. A few days ago a person calling herself Letitia Fitzgerald appeared in this city; her husband, she pretends, is the eldest son of the Duke of Leinster, was apprehended in the Nansemond County and was under examination for treasonable practices, when the enemy entered Suffolk and released him. A great variety of circumstances concur to induce a belief that this is a dangerous woman, and that she came hither with some wicked intention. She was therefore sent to goal also.

The Executive having in these two instances exercised a power not expressly given them by law, I take this method of informing the legislature of it, and have only to add, that apprehension for the public safety is the sole reason for the proceeding.

I am,
Sir, Your most humble servant,
P. HENRY.

HON'BLE BENJAMIN HARRISON.
Speaker of the Ho. of Delegates.

Patrick Henry to Theodorick Bland.

WILLIAMSBURG, May 29th, 1779.

SIR: I was exceedingly surprised when I was told by your letter that none of mine had reached you, except one that you mentioned. I really fear that some mal-practices have been the means of stopping several despatches I sent you. However, for the present I am happy to observe, that your attention to the public safety has prevented any mischeif that could be apprehended from your quarter.

The board of war have just told me that four hundred suits of clothes are ordered in for your corps, that is to say —coats, vests, and breeches. Shirts, &c. are directed to be procured by Colonel Finnie. From his known efficiency and activity, I am in hopes something may be done to make your people easy as to the articles directed to be procured by him. The enemy are gone to sea, and are supposed to be going to New York. You will discharge the Militia as soon as you judge it proper. Their affairs, I guess, press hard for their return home. The disposition of the convention troops remains with you; I mean particularly the return of the officers to their former dwellings. I announced this to them, and wish them to be indulged, unless you see reasons against it which are unknown to me. Those from Henrico are not to return, &c.

I am, Sir,

Your most obt. servt.

P. HENRY.

TO COL. THEODORICK BLAND.

Joseph Martin to Patrick Henry.

SMITH'S RIVER, 21st May 1783.

SIR: I am now on my way to holdson where I shall make myself acquainted with every valuable place on that River thats to take up. The office is open'd as far as the

french Broad River, from thence down the Northside to Chickamogga, from thence across the Tennessee to the Massissippi without takeing any notice of those that has settled over the old Indian Boundary, the Island ceeded to the Indians. The Governor Impowed to treat for the other Lands. No entry to be made before 20th Day of October next, the Specie Certificates to be taken Ten pounds pr hundred. Could you get some safe hand to go over to the Carolina's line, I make no doubt but you can have any quantity purchased at a moderate price. When I first went to hillsborough Certificates could been purchased for two shillings pr pound. I have just given you a memorandum of what has been done on opening the land office, you can pursue what measures you think best between now & October. The commissioners for laying off the officers & soldiers lands made their report at the assemble, they say on trying the latitude in that country find that all the bent of the Tenessee is in Georgia, & several Indian nations between. It is thought policy to purchase the sd lands from the Indians, Genl Caswell with three other Gentn, have agreed to join with colo Donaldson and myself in sd purchase, they furnish the Goods, Donaldson and myself are to make the purchase, the whole jointly concerned, and intend to take possession Immediately, letting the same out on such reasonable terms as will make that part so strong in a short time that they cannot be ousted. If you should after consideration incline to be an adventurer in that scheme, you will please to let me hear from you as soon as possible—the lands on holdson I shall most certainly attend to.

I am Sr with great respect
Your humble & most obt.
Jos. Martin.

To Patrick Henry Esq., Richmond.
Favored by Colo Harston

Patrick Henry to Benjamin Harrison.

LEATHERWOOD, April 16th, 1784.

SIR: Mr Mazzei is now with me in order to obtain some Testimonial, not only of his being sent to Europe for certain public purposes, but also of every circumstance relative to his Mission. I observe that your Excellency has directed him to do some such thing, as the Destruction of the Books & Papers of the Executive, prevents your seeing in them his Appointment, Commission, Instructions, the Correspondence with him, & whatever else you might desire to know on the Subject.

I hope therefore your Excellency will excuse the Trouble of this, as Mr Mazzei desires me to inform you, as well as I can, of the Facts that came under my Observation, & as the Nature of the Case seems to refer to me in a particular Manner. I must premise however, that I am very far from having a perfect Recollection of this Affair, & that many Circumstances have escaped me.

I remember Mr Mazzei's being appointed to go to Europe in order to procure a Loan of money & Cloathing for our Troops, & that this appointment was made by me, by & with the Advice of the Council. I remember the Embarrassment I felt, in attempting to execute the Directions of the Assembly, as the sum to be borrowed was I think a Million of Pounds. The attempt however was to be made, & Mr Mazzei cheerfully undertook the Task. In many conversations with him on the Subject I recollect speaking to him of the Difficulty to be surmounted, of the necessary Preparations & Arrangements, of all which he seemed to possess more understanding than any with whom I had conversed, & almost brought me to approve as practicable a Measure I had always thoᵗ not so. But I was not at Liberty to deliberate further than on the best Means of executing what had been determined on by the Assembly—the Executive having no power to alter the Terms.

As to the Money which this Gentleman was to receive,

either for Expenses, or as to pay for his Trouble & Loss of Time &c., I cannot be particular.

In general I remember his Professions were patriotic, & I think he expressed a Willingness to receive for his services, Loss of Time &c. what the Executive might judge reasonable thereafter. But the providing Money for his Expenses was difficult and perplexing, as it was necessary to be had instantly.

I can only say that I think the first & second Pages of his narrative place this affair in its true Light, & I understand that paper is laid before you. I was scrupulously exact throughout this whole Business in following the Advice of the Council, as it was a matter I was altogether unequal to of myself—I beg Leave therefore to refer to his Narrative for the Facts mentioned in the first & second Pages, as I believe they are true so far as they relate to the Transactions of the then Executive—That paper copyed is now before me.

Your Excellency may remember that I had not the Honor to be in the Executive after June 1779. So that I am not able to say anything of the correspondence with M^{r} Mazzei after he sailed from America. Nor will it be for me to pronounce any Judgment on his Conduct. But I hope your Excellency will be so good as to suffer me to give you a short Extract of a Letter to me from the hon'ble M^{r} John Adams, in which he speaks of M^{r} Mazzei in the following Terms just before his Departure for America, viz. from Paris June 23^{d} 1783 "M^{r} Mazzei has uniformly discovered in Europe an Attachment and Zeal for the American Honor and Interest, which would have become any Native of our Country—I wish upon his Return he may find an agreeable Reception."

I have to beg of your Excellency, that you will please to know from the Gentlemen who composed the Council when this affair was transacted such Matters as I may have omitted.

They will perhaps be able to place the several Transactions in a clearer Light than I have done—I believe M^{r}

Page, Col° Digges, M^r^ Madison, M^r^ Jameson, & perhaps M^r^ Prentis, were the Gentlemen who sat at the Board then.

With great Regard I have the honor to be
Sir,
Your Excellency's most obedient
& very humble Servant,
P. HENRY.

His Excellency Governor BENJAMIN HARRISON.

Richard Henry Lee to Patrick Henry.

TRENTON Dec. 18, 1784.

DEAR SIR: We are placed now, I think, pretty nearly in the same political relation under which our former correspondence was conducted; if it shall prove as agreeable to you to revive it, as you were then pleased to say it was to continue it, I shall be happy in contributing my part. The intelligence from hence cannot now be so interesting as formerly, because important events can be expected to occur but seldom in these times. It is, however, not unpleasant to know how things are going, and likely to go, in the world; that part of it at least in which we are in any manner interested. The courts of Spain and London do not seem to be upon such cordial principles with the United States as we might wish, the former seeming to be intent upon possessing, with a strong hand, the exclusive navigation of the Mississippi, and the latter has actually encroached already upon our peace boundary on the river St. Croix, and they detain the western posts; assigning, for reason, that we have violated the peace by not repealing the laws that impede the recovery of British debts; the court of London seems also willing to injure its own possessions in the West Indies, rather than not wound our commerce with British Isles. Much of this mischief arises from the want of a proper understanding of each other, and from the active industry and acrimonious misinformation that

the exiled tories and refugees are constantly inculcating and asserting, without much danger of contradiction in having the truth fairly displayed. A well informed gentleman, in our ministry abroad, therefore, lately wrote us, that we could much better have dealt with these people among ourselves, than we can counteract the evils now resulting from their conduct abroad. This temper of the two courts will, however, produce the necessity of sending to each a well informed proper minister to negotiate commencing difficulties, and thereby prevent the evils of renewed war. It seems yet to be a matter of much doubt, whether the imperial determination to open the long closed navigation of the Scheldt, and restoring Antwerp to its former splendour as a commercial city, will not light up a general war upon the continent of Europe. I hope that our dispute with Great Britain may be previously settled. Our commissioners have concluded a peace with the six nations, and are now on their way to Cayahoga, on Lake Erie, to meet the western nations and to make a treaty with them also. I present you the compliments of the approaching season and assure you that

I am with great regard and esteem, Dear Sir,
Your Most obedient and very humble Servant,
RICHARD HENRY LEE.

To Gov^{r} HENRY.

Sir James Jay to Patrick Henry.

NEW YORK, December 20, 1784.

SIR: I do myself the honor to send your Excellency a letter and the Outlines of a Plan, which I received from the Countess of Huntingdon. Her Ladyship's original object was to convert and civilize the Indians in North America, by means of Missionaries Schools and Colleges. Knowing the materials in her power for a truly great and useful undertaking, I assisted her in working her design into the present plan. It appeared to me that the making the pro-

posed settlements among the Indians or contiguous to them, would more effectually promote her pious and humane views than could be done by any other means; and that such a measure might be made very beneficial to our Country in other respects. What relates to the former is sufficiently explained in her letter and in the plan. How far the plan may be made the means of forming a good frontier, of increasing our Indian Interest and our Indian Trade with other considerations of that kind, will naturally occur to your Excellency. But there is another object which I had in view, and which appears to me, so worthy the attention of the States, that I shall mention it to your Excellency and take the liberty to suggest a few thoughts upon it.

If the plan be adopted it will give us an opportunity of getting over with the other settlers a number of good Manufacturers in any branch of manufactury we please: and of course it will enable us to introduce and establish such manufactories as the circumstances of our Country will admit of doing with success and advantage. Upon these grounds the ensuing observations are founded.

It is an obvious Truth that a Nation in order to be independent, safe and happy, ought to have within itself the means of furnishing its citizens with every article that is indispensably necessary to those ends. To depend on Foreigners for every such necessary article that can be as well and as cheaply made in the Country is a palpable absurdity. The policy of Britain subjected us to that hardship in many instances, and employed every method to entail it upon us. It is still the Interest of the Manufacturing nations of Europe to keep us in that State; but it evidently is our Interest to emancipate ourselves, with the utmost expedition, from a dependence that is both injurious and disgraceful to us.

Every article indispensably necessary, that is imported among us but which can be as advantageously made in our own Country, may justly be considered as a tax upon every person in the Country; a Tax which no œconomy or frugality can avoid; a tax laid upon us by foreigners for their

own sole benefit; and which constantly works a detriment to the Country in proportion to the demand for such articles. Were we to consider Sir the prodigious quantity of common necessary clothing, and also of the common necessary articles of Iron and Steel that is annually imported among us, it would give us some idea of the magnitude of the evil and evince the necessity of using our best endeavours to lessen it.

The preceding observations lead us to a question of some importance, viz.—whether it is possible for us to introduce and establish manufacturies for any of the above articles? This is a question that no man can decide properly upon, unless he has a competent knowledge of the method of fabricating the particular article which may come under observation. I do not mean a knowledge of the way of making any such article in this country, but of the method in which great Manufacturies for the purpose are carried on in Europe and by which the Europeans are able to undersel us in our own Country with every advantage in our favor. I am aware, Sir, that a general objection may at this moment occur to you, viz.—that the price of labour being so much dearer among us than in Europe, is an insurmountable obstacle to any undertaking of the kind. Allow me to observe, Sir, that the objection is true in many respects, but that, like other general positions or general rules, it has its exceptions. There are indeed many exceptions in the present case. This assertion cannot be directly proved without entering into a minute consideration of each manufacture to which the objection is not applicable. But there is a circumstance which furnishes very substantial and satisfactory evidence in favor of it, evidence the more to be regarded because it is a tacit confession of the parties interested against us and who are unquestionably competent judges in the case. The Parliament of England have from time to time passed Acts which tended directly or indirectly to prevent and discourage manufacturing in America; and it may be fairly presumed they would not have taken those measures unless they were well satisfied that we could

manufacture sundry articles as cheap as was done in Britain, or even cheaper; and to so large an amount as to materially injure their Trade with us. But Sir in asserting the practicability of establishing certain useful manufacturies with advantage in this Country, I speak not at random. A fondness for mechanic arts and manufactures led me to embrace every favourable opportunity of enquiring into them. A long residence and much traveling in Europe furnished me with frequent opportunities to indulge my tastes; and it is from information derived from those sources that I form my opinion.

There is reason to think that in some of those parts of the Country to which the plan has respect, the establishing of manufacturies will greatly tend, if not be absolutely necessary to make those districts flourish and to render them more beneficial to the nation at large than they otherwise are likely to do. If, for instance, some of the back Lands I allude to should be inhabited merely or principally by farmers population will indeed increase but those remote citizens will comparatively speaking contribute but little in other respects to the general weal. The difficulty and expense of bringing the produce of their farms to market will discourage their raising more than will be requisite for their own use. Experience shows that manufactures, unless where measures are taken to introduce and establish them, spring up but slowly in any country; that at first they are but few in number, & that it is a long time before they exceed the wants of the neighbourhood, and supply matter for internal or foreign commerce. But where the difficulty and expense of carrying Country produce to a distant market is a discouragement to cultivation would it not be sound policy to create a market for it on the spot? And what better method can be fallen upon for that purpose than the planting a number of manufactures upon it? They would flourish themselves and make the farmers flourish also. The productions of the manufacturer are in general more valuable, in proportion to their bulk, than the productions of the land, and can therefore better support the expense of

transportation. In a fertile district where the farmer has a difficult or expensive transportation, provisions will be cheap; but where provisions are cheap the price of labour is moderate; and where these two circumstances concur, and there is a sufficient demand either in the way of home consumption or foreign exportation for manufactured goods, Manufactures will flourish, because as more money will be got by manufacturing than by farming, the people will naturally go into the former instead of the latter. In the well settled lands of this State, where grain and other country produce can be carried to market at little expense, the farmer can afford to pay a journeyman manufacturer as much for labouring on his farm, as the man could earn by working at his own trade; and therefore it becomes a matter of indifference to the hired person, whether he works at his trade or in the Field. The same thing may perhaps obtain under similiar circumstances in other States. Hence arises the difficulty so frequently met with of keeping Journeymen Mechanics to their proper work: a circumstance which has proved and must for a long time prove an impediment to the regularly & advantageously carrying on any manufacturing in such parts of the Country, But where Agriculture Labours under the preceeding disadvantages, and depends solely on the consumption on the spot a labouring person will earn more and support his family better by working at manufacture than at agriculture; and of course will find it his interest to stick to his own Trade.

These general observations on cultivation and manufacture may I think be regarded as general truths, The application of them however is another matter and can only be judiciously done by those who are well acquainted with the local circumstances of a Country. For this reason I presume not to be a competent judge whether it would be proper for your State to adopt the principles laid down and to attempt to carry them into effect. It seems pretty evident however that the State would lose or risque nothing by coming into her Ladyship's proposals, because it may be provided in the grant, that all the land which shall

not be settled within the time limited, shall revert to the State.

I have freely opened myself to your Excellency on the subject in question. I thought it but right to be thus explicit with you, and I leave it to your discretion to communicate my views and my Sentiments to such Gentlemen as you think can be safely trusted with them: not doubting but even if you should not coincide with me in opinion, or your Legislature should not be disposed to encourage the plan, you will be sensible of the propriety of speaking with caution of an intention of introducing and establishing Manufacturies among us, lest it might occasion difficulties to be thrown in our way in Europe, that may obstruct a design which cannot be injurious, but which may, if even partially executed, be productive of considerable advantages to our Country.

I remain Sir, with great respect,
Your Excellency's most obd^{t} & very hble Serv^{t},
JAMES JAY.

His Excellency THE GOVERNOR OF VIRGINIA.

The Countess of Huntingdon to Governor Henry.

SIR: When a person has no other object in applying to the supreme authority of a State than to interest the State in an extensive design, expressly formed to promote the great cause of religion and humanity, there can be no doubt but such an application will be favorably received, though the circumstances of the Country should not permit it to engage in the undertaking, or to contribute largely to the carrying it on. With this general sentiment I entertain that opinion of the piety and benevolence of America, that I feel no difficulty Sir, to address myself to your Excellency on the important subject and to request that you will communicate this letter to the other branches of the Legislature of the State over which you preside. If I err in the

manner and form of this application, I humbly beg it may be imputed to ignorance and not want of respect.

The object of my application is great. I have long reflected with pain on the condition, both in a religious and civil Light of the Indian Nations in North America. With a mind untinctured with fanaticism or illiberality, I have long wished that some great and solid plan for their conversion and civilization, for making them good Christians and useful citizens could be fallen upon.

I rejoice in thinking that the late Revolution opens a way to this great work. I rejoice in the hope that the piety and humanity of the Americans will encourage a rational undertaking to attain those important ends. I rejoice in the firm expectation that they will cordially unite with me in such an undertaking; and I fervently implore the divine being, to crown our joint endeavours with success.

The enclosed outlines of a plan will give you an Idea of my Design. My views are so extensive, the means in some respects so great, that in order to be able to concert measures suitable to the largeness of the design, I think it necessary to communicate these outlines of a plan to several of the States which from their situation seem to have it more especially in their power to give energy and facility to such an undertaking. What one State cannot do another may. If one alone should be unable to grant as much land as would be necessary they may severally contribute what on the whole will be sufficient. The States I propose to apply to are those of North Carolina, Virginia, Pennsylvania and New York. I most respectfully request that the legislature of your State will take the matter into their serious consideration.

Should the general ideas I have given of the design meet with approbation it would give me infinite pleasure to be informed in what manner you and they think those Ideas could best be carried into effect. As I have no view to private interest myself in the design, so I earnestly wish that every precaution should be taken to guard against the selfishness of others, and against all abuses whatever.

Whether therefore the plan should finally be to make a great Settlement in one State, or to establish lesser settlements in different States, I shall most chearfully concur in every provision which the State or States may think necessary to prevent fraudulent practices, and to preserve the true spirit of the Undertaking. It cannot escape your Excellency that independently of other circumstances, the countenance and encouragement which the States may respectively be disposed to give to this design, must be an important consideration in finally settling the plan. It will in particular be necessary that I should know what quantity of land a State may be disposed to grant, what quit rent will be required, and what length of time the Settlers will be exempted from taxes. The knowledge of these particulars is so essential to the coming to a proper determination, that I am persuaded your Excellency will immediately see the propriety of my requesting to be informed what your State is disposed to do in regard to them. I beg leave to mention here a circumstance which ought to have been inserted in the outlines of the plan, Viz. that the intended Settlers have been hearty friends to the rights and liberties of America, from the beginning of the controversy to the conclusion of it.

I have requested Sir James Jay to assist me in this weighty business. He has promised to do it as far as his own affairs will permit. I have fully explained my views and intentions to him—We have often conversed on the subject. The outlines I inclose you are the result of our joint deliberations. His long residence and personal knowledge of things in these Kingdoms, and his acquaintance with America, render him very fit to assist in forming a plan in which many circumstances in each country are to be combined. I have long known Sir James; and I rely much upon his prudence and judgment. Besides, he knows my mind so well, that I am inclined to think if the State should be disposed to grant land for this design, and he should be consulted on the subject, he will be able to say pretty nearly whether the Tract proposed would in point of situation,

and terms of settlement be likely to meet my ideas. I request therefore that he may be advised with on the occasion. It will facilitate matters; and may prevent the delay and loss of time which repeated explanations by letter, at so great a distance as that between America and this Country would necessarily occasion. When I know the dispositions and determinations of the States, and have obtained all the information I hope to receive, I shall be able to come to a final conclusion on every part of the design.

I hope with the blessing of Heaven that a solid plan may then be formed for effectually answering the great ends in view.

I have the honor to be, with great respect,
Your Excellency's Most Obedient
& most Humble Servant,
S : HUNTINGTON.

BATH, April 8, 1784.
His Excellency THE GOVERNOR OF VIRGINIA.

Outlines of Plan.

TO THE FRIENDS OF RELIGION AND HUMANITY IN AMERICA.

To introduce the benevolent religion of our blessed Redeemer among heathen and Savage Nations; to lead them from violence and barbarity to the duties of humanity and the arts of civil life; to provide a refuge for pious industrious people, who wish to withdraw themselves from scenes of vice and irreligion, to a country where they may spend their days in the pursuits of honest industry, and in the practice of religion and virtue. These are objects in which the glory of the Almighty and the happiness of a great number of our fellow creatures are so eminently combined, that I trust you will cheerfully concur and assist in a design expressly formed for the attainment of them.

Experience has shewn that the sending a few Missionaries and establishing a few schools among the Indians of

America have been very inadequate to the great object of their conversion and civilization. It is reasonable to think that no great progress can be made in converting a savage people, thinly scattered over an extensive country, and often wandering in single families or small bodies to distant places, until they can be brought to live in a more settled and social manner; or unless the works of civilization and conversion can be made to go hand in hand.

It is a peculiar happiness therefore that these different objects of converting & civilizing the Indians and of providing settlements for orderly religious people, so perfectly coincide that there is the greatest reason, to think that we shall succeed better in our endeavours to attain both, if we unite them into one great concern and proceed accordingly, than if we were to undertake and pursue each independently of the other.

The people I wish to provide a settlement for, are not loose, idle vagabonds, but decent industrious, religious people, of exemplary lives and manners and attach'd to the cause of liberty. If these people can be settled in a proper place among the Indians, where they and the Indians may have a free and easy intercourse, they may not improperly be considered so many Missionaries and Schoolmasters among them. From a sense of religious duty they will kindly entertain those poor ignorant people; they will do them every good office. They will take pains to gain their esteem and affection, and to cultivate a good correspondence with them. Their more comfortable way of living, their inoffensive & friendly manners, their modes of cultivation & their mechanic arts will be constant examples to them. Some parts of these things may be gradually tho' insensibly imbibed. Reason tells us that little change is to be expected in a savage Indian, while he is able to pursue his wonted course of life. Yet even in that case something may engage his attention and excite his imitation. On those Indians who are past enjoying the active scenes of life, or are restrained therefrom by infirmity or accident, greater impressions may be made. But it is not unreasonable to

think that the women and children may be induced to mix more in society with the Settlers, to join with them occasionally in some little work of agriculture or of the mechanic kind, if it be only to amuse themselves & pass away time. When people are neither compelled nor confined to work ; but on the other hand are at liberty to leave off at pleasure and are encouraged to go on or to return another time to the same or a similar employment; they are less averse to labour. Frequent practice may become habitual and insensibly induce habits of useful industry under the notion of amusement. The progress that would naturally be made in this way would gradually soften their manners, influence their morals and lead them into social life. Several worthy clergymen of well-known character for religious zeal and integrity of manners will accompany the Settlers. Their duty will be according to their talents and personal health & strength to keep up the spirit of religion and piety among their own people ; and by means of Interpreters to preach the glad tidings of Salvation in the wilderness, to bring the inhabitants of those benighted regions from darkness to light, to the knowledge of the true God and of Jesus Christ.

Schools will also be established. Children will be educated in them to religion and virtue, in a liberal manner agreeably to that great principle of Christianity, Love to God, universal charity and Good-will to all mankind. They will also be instructed in useful knowledge so that they may become good Christians and useful members of the Community. One great object will be to endeavour to induce the Indians to suffer their children to go to such Schools, and to permit them, for the greater convenience, to live in such families of our people as their parents or the children themselves shall chuse. Regulations will be made on the most solid footing, in regard to the Clergy and the Schools; but independantly of regular Arrangements for those purposes, as there will be among the settlers several discreet people of good understanding, Clergy and others, zealous in the cause of religion, great hopes are enter-

tained that every measure will be taken which good sense, zeal and industry can employ to accomplish the important objects in view.

To carry the plan into execution, it will be necessary that a quantity of land, answerable to the magnitude of the undertaking be granted for the purpose, in one or more of the United States. That the land be among the Indians, or very near to them; and so situated in regard to the bulk of the more distant Indian nations, that there may be an easy communication by water with those nations, in order that the clergy may with tolerable ease and without loss of time go among them; and that the Indians may be tempted by the facility of the communication, to have frequent intercourse with the settlements.

As I have no other view in the undertaking than what I have frankly declared; as I mean not to have any property in the land myself to be granted, nor that any person should acquire any in it, except in the same way, and on the same conditions which shall be laid down for all settlers upon it. As I heartily wish to guard against every abuse and departure from the true spirit of the undertaking, it is my earnest desire that the land be granted on such terms, and under such restrictions and precautions as the legislature of the State which shall make the grant, shall think best suited to promote the design and to prevent all abuses. My idea of the matter is in general this; That a tract of land be laid out for a considerable number of families. That protestants of all denominations be admitted to settle upon it. That no person shall settle upon it, but such as shall severally bring a certificate and recommendation from me, or from the Trustees which I shall appoint in England, Scotland & Ireland, so that the settlers shall not be liable to have bad people obtruded among them. That one or more persons be appointed by the State to grant warrants of settlement to people having such certificates. That the person or persons so to be appointed by the State, shall be resident in the State and shall be accountable to the legislature. That no settler shall on any account or pretence have a warrant

for more than five hundred acres. That no person shall have a right to sell his land, without the consent of the persons appointed by the legislature to issue warrants of settlement unless he shall have resided years upon the said land. And that no person be permitted to purchase such lands except such persons who have obtained Certificates as above mentioned. That the Tract or Tracts be laid out in Townships by the persons I shall appoint to survey and lay out the same. That they set apart places for one or more cities or towns. That the residue of the land be divided into Farms of different sizes to accommodate greater or lesser families. That the places for Cities or Towns be laid out in Streets and Lotts of certain dimensions for public and private uses. That the farms be subjected to pay, after being settled a certain number of years, a moderate acknowledgement per acre annually to the State. That the Lotts in the City be granted by certificate & warrant in the same manner as the farms. That they also pay an annual acknowledgement to the State. That the acknowledgement commence years after the grant. That no person have a grant for a second or third Lott until the former has a dwelling house that is inhabited, or a work shop that is used, upon it. That from the farms which shall not be settled by the number of people for which they were granted, within 3 years after the warrants were issued, a proportionable number of acres shall be deducted. That those deducted acres and all farms which shall not be settled and all lotts which shall not be built upon within the same period shall revert to the Common stock. That a certain number of Farms & City Lotts, as many as the legislature shall think sufficient, be reserved as an Estate, to be let out and improved for the purpose of supporting public Schools, the clergy and other public establishments.

As it is impossible that I or my friends in this kingdom, who are strangers to the local circumstances of America, can immediately fix on a suitable spot or spots of land and form a compleat plan for the execution of this great work, I wish to have the most & ample information on the sub-

ject from the friends of religion & humanity in America. The most eligible way of obtaining that appears to be to lay the design before the Legislature of those States which seem to lay most convenient for the purpose.

I have requested Sir James Jay to perform this office for me, To lay these Outlines of a plan before them, to learn their sentiments of it, their disposition to encourage it and to Communicate the result to me.

When one Contemplates the revolution which Providence has wrought in favour of the American States, that great work seems to be but a prelude to the Completion of yet more gracious purposes of love to mankind. This Idea fills the soul with joy and raises it to the most solemn devotion. Yet it is not for us frail Mortals to determine on the Councils of the Most High. With Humble Submission to the Divine Will, let us do our Duty. Let us endeavour to spread his name among the heathen; let us endeavour to obey his divine precepts and to follow his gracious example of benignity to mankind. Unite with me then my friends in this glorious Cause; you who have seen and felt the mercy and goodness of the Almighty; who have been supported by him in the days of trial and adversity, and were at last delivered from bondage and raised to liberty & Glory.

S. HUNTINGDON.

BATH, Ap^{l} 8th, 1784.
His Excellency, THE GOVERNOR OF VIRGINIA.

George Clendenin to Patrick Henry.

RICHMOND Jany 5th 1785.

SIR: As I am about to depart from this city to-morrow, and have much at heart to promote the favor'd system of improving the navigation of James River; also to have the carrying ground opened from the navigation of S'd river

to the nearest branch of the New river that empties in below the falls of the same, I therefore shall proceed, as near as my memory serves me, to describe the distance between the navigation of said rivers, which is as follows: The road to begin at the mouth of Dunlap's creek a branch of Jackson's river, which road must pass Lewisburg, in Greenbrier county, and from thence to Meadow river, which river empties into Galley river, and Galley river into New river below the falls. The distance between said rivers will not exceed thirty miles. The road is already opened from Dunlap's creek to Lewisburg, so that waggons have passed with twenty-five Hundred pounds. About ten miles of the road, which is from Lewisburg to Meadow river, is yet unimproved, and as the executive have the appointment of some persons to improve and clear the said road, I have thought it my duty to give thus much information. Trusting that I may not be thought presuming when I assure your Excellency that I have nothing in view but to favor the said work, as the salvation of my constituents, together with the very respectable number of inhabitants that live between the waters of Monongayly and New river, depends on the speedy performance of said plan; and lastly, that it will ever cement them to the interest of this state.

I am your excellency's very humble
serv., &c., &c.,
GEORGE CLENDENIN.

To His Excelency Gov^{r} HENRY.

Patrick Henry to Colonel Evan Shelby.

RICHMOND Jan 6, 1785

SIR: I am informed that in Gov. Jefferson's time a land warrant for 2000 Acres was sent by him to you, or Colo. Jos Martin, to locate for Colo. Lemaire, a French Genl. who had been in the service of this state, as a reward for such service. As the proceedings of the Executive about that

time are destroyed, I am forced to take this method, & to request you to let me know if you can find out any thing relative to it. Perhaps your son Col Isaac Shelby can give information.

Your answer will oblige
Your most hble servt,
P. HENRY.

To COL. EVAN SHELBY.

A Proclamation by Governor Patrick Henry.

RICHMOND Jany 6th 1785

Whereas, it is the wish of Government, by removing all cause, to eradicate every idea of jealousy and suspicion from the minds of the neighboring tribes of Indians, and to evince a disposition to act with friendship and justice towards them, and the taking possession of their lands may tend to give rise to such unfavorable impressions, and involve us in the calamities of war, which are always considerably heightened in the cause of injustice; I have therefore thought fit, by and with the advice of the Council of State, and by virtue of an act of the present session of Assembly, in that case made and provided, to issue this my proclamation, commanding all the commissioners, surveyors, and other persons, to suspend the taking possession, or surveying, of any lands on the north west side of the Ohio, or below the mouth of the river Tenesee, until they shall legally be authorized so to do, and calling on all persons who have already taken possession of such lands, by the allegiance which they owe to this commonwealth, forthwith to withdraw therefrom; and enjoining all officers, civil and military, to pay due obedience to, and assist in executing this proclamation, as all persons offending herein will answer for the consequences of a contrary conduct at their peril.

Given under my hand and the seal of the commonwealth at Richmond, in the council chamber, this sixth day of

January, in the year of our Lord one thousand and seven hundred and eighty five, and ninth of the commonwealth.

P. HENRY.

Attest: A. BLAIR, C. C.

Patrick Henry to M. Caron De Beaumarchais, Paris.

VIRGINIA, RICHMOND, Jan. 8, 1785.

SIR: Your friend Mr. Latel has been very solicitous to have your claims against this State liquidated and the balance clearly ascertained. In compliance with these his desires, Mr. Leighton Wood, solicitor general, into whose department of business as a public officer the examination of your acc't properly falls, has examined them, and stated the balances which are due to you in money and tobacco. A transcript of what Mr. Wood has stated relative to this affair will be handed to Mr. Latel, together with this letter, to be transmitted to you.

You will now perceive, sir, how much this State is in arrears to you. The next enquiry which naturally follows is when and how you are to be paid. Doubtless you are so far acquainted with the Laws and Constitution of this State as to be satisfied that the public finances are not at the disposal of the Executive power, farther than particular Acts of the Legislature from time to time direct. In order therefore to afford you every possible light on this head, I send you with this a true Copy of an Act passed a very few days since providing funds for the expess purpose of paying our foreign debts. This you will better understand by reading the act itself, than by anything I can say. Those persons here who best understand the business of finance, very well know, that the funds set apart for this purpose are among our very best and most productive. I therefore feel myself highly gratified in seeing, as I think, ground for hope that yourself, and those worthy and suffering friends of ours

in your nation, who in so friendly a manner advanced their money and goods when we were in want, will be satisfied that nothing has been omitted which lay in our power towards paying them.

I will only add that the Executive will, on their part, be glad to do what is proper towards carrying into effect the designs of the legislature, who seem so fully impressed with the desire of making to all our foreign creditors the most speedy payment that the ability and resources of the state will possibly permit.

I am &c,

P. HENRY.

To M. CARON DE BEAUMARCHAIS.

Patrick Henry to Richard Henry Lee.

RICHMOND Jan'y 9th 1785

DEAR SIR: Your very agreeable letter came to my hands some few days ago, and Col° Grayson, who is going from hence to-morrow morning, is the first good conveyance to you that has presented since the arrival of my Family at this place. The Revolution of affairs has, as you observe, placed us nearly in the same situation which we held during the early part of the late war. Give me leave to add, my hearty wishes are that the same friendly intercourse, from which I then rec^{d} so great pleasure, & my country so much advantageous information, may again take place, & receive no interruption. The elevated station you so justly hold will enable you to learn at the earliest periods, the origin, progress and tendency of those systems of policy in various parts of the World, by which our prosperity and happiness will be affected. You will easily see how fortunate it will be for me to receive intimations of these matters from you, especially if you will add such observations of your own as may occur occasionally on the present politics of Europe & America, with which my late situation

has caused me to be unacquainted. It shall be my endeavour to repay you the best way I can, by telling you of such events here as may be worth your notice, from time to time. They will not be very interesting of themselves, but will be worth writing to you chiefly on account of their coming from your own country.

I am not able to give you the History of the last session of Assembly which ended three days ago, the printer as usual being tardy. Some excuse he has now on account of his being obliged to remove his office to a new situation. Before I close this letter I will get from him everything I can find worthy your perusal, which he has printed on the subject. One circumstance, which I regret attended the conclusion of business at the end of this session, & which I fear may give unfavorable impressions of their candour, is, that 2 Bills—to which both houses assented, but which were not reported from the upper House—dropt for want of a sufficient number to proceed to business in the lower. One was a bill for regulating the collection &c of the customs, the other for paying British debts by instalments. I do believe the true reason was a severe frost had closed up the river, & prevented 8 members, who lodged at Manchester, from crossing the Water on Wednesday last, to make up the necessary number of members. These gentlemen were known friends to both Bills which have fallen thus; But the world at large will not probably know this circumstance.

A seemingly fixed purpose, and which is generally adopted, promises great and valuable improvements in our inland navigation. I hope our country will ere long assume a new appearance from that attention which is given to our uncommon natural advantages. Indeed Virginia seems to me to concentre within its limits natural benefits not only enough to render her own people happy, but can also contribute largely to make her neighbors so, by inviting them to a participation. You know too much of our geography to need particular enumerations or explanations. Acts for clearing Potowmack and James Rivers, and open-

ing a canal from the Carolina waters to those of Elizabeth, are passed without opposition, and to the general satisfaction.

Tob° is down to 36/—but from hearing of high prices in Ireland &c., we are induced to expect the price here will rise. Our other produce sells well, and generally our people I think must feel themselves able to pay taxes. One half the last tax payable this year, is done away. You know by frequent postponing we accumulated the demands for this year.

With every sentiment of Regard and esteem I am,

Dear sir, your humble servant,

P. HENRY.

The Hon. RICHARD HENRY LEE, IN CONGRESS.

Patrick Henry to the Honorable Mayor of the City of Richmond.

COUNCIL CHAMBER, Jan. 13, 1785.

SIR: At the last General Court sentence of death was passed on a number of Criminals, and they are now awaiting the execution of that sentence. With respect to some of them the punishment of death seems disproportioned to the crime; to free them however from restraints by an unconditional pardon, and thereby turn loose on society persons of their description, will probably be attended with consequences fatal to the public peace and to the good of the Government. This last consideration is an impediment in the view of the executive, who have a wish to pardon such of the criminals whose cases make it proper to do so, provided the Corporation of Richmond can find the means to prevent escapes while those people are kept to servile but useful labour, such as the corporation shall direct for years more or less as their pardons may express respectively. If it shall be found practicable, this city, and consequently the

public at large, will derive some advantage from this mode of proceeding, and at the same time, by the example it will hold out, every end of punishment will be answered.

I have to request Sir, that this matter may be laid before the Corporation, and that you will be so good as to favor me with the result as soon as it can be had.

I am with respect &c

P. HENRY.

To the Hon. MAYOR OF RICHMOND.

S. Hardy to Patrick Henry.

NEW YORK, Jan'y 17th 1785.

SIR: I do myself the honour to transmit to your Excellency the enclosed copy of a memorial of some of the citizens of Virginia praying to be indulged with separate government. It came enclosed in a letter from Arthur Campbell to the president of congress, who I suppose was the parent of the scheme.

In my last I informed you of the removal of Congress from Trenton to this place, and the passage of an ordinance establishing the temporary and permanent residence of that body.

With great respect I have the honour to be
Your Excellency's mo. ob't and h'ble servt &c., &c.

S. HARDY.

His Excellency, PATRICK HENRY,
Gov^r of Virginia.

Memorial.

To the Honourable the congress of the United States of America:

The memorial of the freemen inhabiting the county westward of the Allegany or Apalachian mountain and southward of the Ouasioto, humbly sheweth:

That having been made acquainted with several resolves and other acts of congress, respecting Western territory, and having considered maturely the contents of the same, we are highly pleased with that equal respect for the liberties of the people which seems to influence the councils of Congress. That nothing but firm adherence to the principles of the confederation, and a sacred regard to the rights of mankind could produce the late resolves for laying off new independent states, thereby pointing out such effectual measures to prevent the encroachments of arbitrary power on the assylums of freedom. That we are happy to find so large a part of territory already ceded to the United States for national purposes, and trust that every obstacle will speedily be removed for the completion of that business by the individual states affected thereby. That we are too much elated at the prospect before us not to wish that we speedily enjoy the advantages of such a government as will be exercised over a convenient territory, not too small for the support of authority nor too large for the security of freedom.

That our situation is such, inhabiting valleys intermixed with and environed by vast wilds of barren and inaccessible mountains, that the same compensation of latitude allotted to the new states northwest of the Ohio might prevent us from ever being on an equal footing with our neighbors, blessed with so many natural advantages, navigable waters, and a level fertile country.

That a state bounded by a meridian line that will touch the confluence of Little River near Ingles Ferry, thence down the Kanhawa to the Ronceverte or Green Briar River, thence Southwest to Lattitude 37° north, thence along the same to the meridian of the rapids of the Ohio, south along the meridian until it reaches the Tenesee or Cherokee river, down the same to the part nearest of latitude 34 south to the same, and eastwardly on that parallel to the top of the Apalachian Mountains, and along the highest parts of the same, and the heights that divide the sources of the waters that fall into the Mississippi from those that empty into

the Atlantic to the beginning. This tho' not equal in quantity of habitable lands with the adjoining states, yet may be sufficient territory for a society that wishes to encourage industry and temperance as cardinal virtues.

That in our present settlements we have maintained our ground during the late perilous war, and frequently gave effectual aid to our bretheren of the South and eastward, that we are first occupants and aboriginals of this country, freemen claiming natural rights, and the priviledges of American citizens.

Our pray'r therefore, is, that your honourable Body, with a generous regard to the rights of mankind, would speedily erect the aforesaid described territory into a free and independent state, subject to the federal bond, and likewise confirm and guarantee to its inhabitants all their equitable rights and priviledges acquired under the laws of the states lately claiming this territory: that the disposition of the vacant lands be under the power of the legislature of the new state, in as full a manner as that exercised by such of the Eastern States having unappropriated lands, with this reservation, that the monies arising from the sale of vacant lands shall be faithfully paid to the order of Congress, towards the payment of the national debt.

And your Memorialists shall ever pray, &c.

Approved and subscribed by us, in behalf of ourselves and the freemen of our respective districts, whom we represent.

CHARLES CUMMINS, *Chairman*,
JOHN CAMPBELL,
JOHN JAMESON,
ROBT. BUCHANAN,
ALEX'R. WILEY,
WILLIAM TATE,
GEORGE FINLEY,
JOHN KINCARD,
ARTHUR CAMPBELL,
THOS. WOOLSEY,
JOHN CAMPBELL S'N'R,
RICHARD BROWNLOW,
JOHN DAVIS,
MATTHEW WILLOUGHBY,
GILBERT CHRISTIAN,
JOHN ANDERSON,
DAVID LOONEY,
JOHN ADAIR.

Richard Henry Lee to Patrick Henry.

NEW YORK Jan 31st 1785

SIR: I have the Honor to enclose to your Excellency some late communications from the ministers plenipotentiary of these United States at Paris, together with an act of Congress on that subject. Much inconvenience to the American Ministers abroad being apprehended from improper publications of their letters, hath induced Congress to desire that these informations may be kept from the public eye. The precarious State of our public credit abroad is so powerfully expressed in these letters as to render a comment unnecessary.

They prove incontestably the necessity of immediate, vigorous measures for supplying the treasury of the United States, that justice may be punctually done to those excellent friends who assisted us in the day of our distress. Your enlightened legislature, sir, will see the close connection that subsists between national safety and national faith, that the loss of the latter will ever have the most malignant effects upon the former.

The Congress request that your Excellency will lay these communications before the general assembly of your state, with the act of Congress respecting them. I have the honor to be with sentiments of the truest esteem and regard Sir, Your Excellency's most obedient and very humble servant.

RICHARD HENRY LEE P.

His Excellency PATRICK HENRY ESQ.

Patrick Henry to Joseph Martin.

RICHMOND Feb 4th 1785

DEAR SIR: I have waited with impatience a long time to do something in Cherokee and other Indian affairs, but am at a loss on account of commissioners of Congress being in

treaty with the northern and western tribes, & hearing they would quickly send out commissioners for the southern district. The extreme badness of the weather, & congress being removed to New York, is the reason of my Intercourse being so slow. But as soon as I hear from them I will let you know, as I hope you will be named one amongst them. In the mean time if I should take any steps, I might appoint some time or place that would contradict or disappoint some step of congress.

The countess of Huntingdon has sent me a long letter desiring to make a great settlement of people close to the Indians with a view to christianize them, and teach them manufactures. She purposes to let none but religious, good people live on her land if she gets it, & to have schools, preachers, shops for working Flax, Hemp, Iron, &c., & to prevent any encroachments on the Indians or injury to their property or persons. This she proposes to do at her own expense chiefly, & to import large numbers of people from G. Britain & Ireland that are good whigs, & strictly religious. The main thing is the land, and then laws forbiding any persons going on it but such as are good people. As this state has no land, I have sent her scheme on to congress, & I am very fond of it. One Mr. Dohrman, a gentleman of great fortune from Portugal, has been often with me, and is very anxious to get land for a large settlement of people some where about the great Bent of Tenessee, or in Mobille. He is of a most noble disposition, and I am very fond of him. He can bring many hundreds of good people. I have mentioned you to him and promised him to get him into y'r company. For he could and would do great good to America. He has given immense sums out of his own pocket to our suffering prisoners, and has had the thanks of our public Bodys for his uncommon zeal for America during the whole war. This man is a noble acquisition, and is generous, humane, sensible, very rich, & acquainted & connected with the best people abroad, & in most countrys of Europe. Pray let me know if he could get some land from the Chickasaws or Cherokees? He

proposes it as much for the good of the Indians as his own. The Bent land would suit him for one settlement, but he wants two. Old soldiers and Tradesmen would be the people he would bring over. Let me hear from you, & how the over hill Carolina folks go on, and what prospect for the countess of Huntingdon, but particularly for Mr. Dohrman. I am,

Dear Sir, Yrs,

P. HENRY.

COLONEL JOSEPH MARTIN.

P.S.—If the Indians desire to know of what is doing, assure them I am laboring for their good, by trying to learn them our arts & manufactures, and to encourage good people to go among them, and that our people will be punished if they do them any injury. I wish to know what goods you got on my account from below.

Virginia Delegates in Congress to Patrick Henry.

NEW YORK Feby. 13th. 1785.

SIR: Having received no late dispatches from your Excellency, we are of course ignorant what part of ours have reached you or the council. We will however begin with the resolutions which respect the erection of federal buildings at the falls of the Delaware, and the intermediate residence of Congress here.

When the question was first brought forward for erecting a federal town, it was the wish of our delegation to decline a decision on it for the time, and pursue the business of the union, either where we were; at Philadelphia; or in New York; to either of which places we were willing to adjourn. But in pursuit of this course, we had not the assistance of a single state, (The delegation of Maryland being absent). The two ends of the continent had heretofore, upon this subject, been drawing in different direc-

tions. The eastern and middle states in favour of the Delaware, and the southern in favor of the Potomack. The division upon the question, since they left Philadelphia, had induced the unsettled and vagrant system which had taken place; a system so destructive of confidence among the citizens of the Union, and dishonorable to the federal councils throughout the world. The contest had now come to a point; whether this should continue to be the case, and the congress move alternately to Annapolis, and Trenton annually, and carry on the federal buildings at both places at the same time, or no buildings at all, under the resolution of Princeton, or come to other resolutions, changing those arrangements, were the questions before us; questions too which were forced upon us, from every quarter of the union. The only prospect of obtaining a decision in favour of George Town had depended on the support of the southern states, and we soon had the mortification to find, that they had given it up. By them it was urged that the object of the southern gentlemen was, when they left their states to move to a northern climate; that they generally visited N. York, N. Port and Boston; that by water their passage was as easy to either place, as to the Chesapeake; that they had no object to serve by a situation on the Chesapeake, and that they perceived no great federal end, which could be attained by it for the present, at least none to occasion a longer delay, or that would counterbalance the injury arising from the present state. This was the language of Georgia, South Carolina, and one of the members from North Carolina (there being but two on the floor) and all of the states eastward of Maryland. There were then nine states in Congress, eight of which held this opinion, and New Hampshire and Connecticut were daily expected. In this situation it was proposed "as inexpedient to erect for the present more than one federal town" and to this we agreed. It was then proposed "to appropriate 100.000 dollars to this purpose, and for this eight states were decidedly in the affirmative. The situation then became more interesting to Virginia. The only

question before us was, shall we frustrate what the sense and voice of the union require, frustrate it too only for a few days, for upon arrival of Connecticut or New Hampshire it will be carried without us, or accede to a measure which they all think so necessary for the general interest? And we conceived that the great principles upon which we entered into the confederacy, a respect for the harmony and interest of the union, and a regard for the character and honor of our own state, should determine us to pursue the latter course. The next question was "where shall the town be erected?" We had, you perceive, before this lost all hopes of George Town, but we thought it our duty to put the question on it, for which we had only the state of Virginia. It was then carried in favor of the falls of the Delaware. Many arguments occur to us in favor of a federal town. If we reason from experience, we are inclined to think many disadvantages must arise from the residence of Congress in a great commercial city, a city more especially under the jurisdiction of a particular state. We suspect that inconvenience hath in some instances been already felt from this source. Parties appear to have been formed at particular eras for and against particular characters, who were unworthy of parties in a much less dignified assembly.

In all great bodies there are usually some men who are easily won on by little considerations, and the nature of the federal government is so constructed, that it is much more difficult to carry than obstruct a measure. Those then who are under a improper influence, from whatever source it may arise, are always most obstinate: they will hold to their point, while those who seek only the public good, will make concessions to carry a measure, which they think of importance to the general interest. With pain we conceive we have seen these remnants of parties contending, with more warmth than the public interest requires, in favor of measures, which derive their consequence merely from the circumstance of their having been an object with one of the sides. And we have been also happy to find, that Con-

gress had so far extricated themselves from their influence, by moving out of their reach, as to weigh the measures merely in the scales of reason, while they looked with equal indifference upon those who espoused or opposed them from other considerations. In a great commercial town it is almost impossible to keep any thing a secret. The ministers of other powers have their eyes upon us, and we have reason to suspect that our transactions of the most important and secret nature do not long remain secret to them. If this is effected by the too frequent intercourse which takes place under the present state, or the indiscretion or villany of those intrusted with them, it will be more easily discovered and prevented in a federal town. Indeed every consideration of interest, propriety and dignity urge with us in favor of the measure. Upon what terms it is to be erected is also an interesting consideration. The delegates of Jersy informed Congress that their state would advance a considerable sum, and those of Pennsylvania did the same, provided it should be on their side. Although it might be improper to accept it as a gift, still we conceive the same objections do not exist as a loan. We borrow from foreigners, and with more propriety may we do it from each other. With respect to the temporary residence, we were indifferent between this place and Philadelphia. We knew not how our residence at either place could essentially affect our state, farther than it respected the members in Congress: and upon general principles we thought this entitled to the preference.

The province of Canada is at present in possession of the fur trade. Our first exertion should be to draw it within the states, and before any competition can arise between the communication down the Mohawk, thro' this port and the Potowmack, we shall have moved hence to the falls of the Delaware.

Upon the arrival of Mr. Henry from Maryland he moved for a repeal of the ordinance of Trenton, but was not seconded. So soon as his colleague joined him, he moved for a suspension of the measures necessary to carry it into ef-

fect; for this purpose he introduced a resolution with a long preamble, containing a very illiberal censure upon the proceedings of Congress in that instance, as well as upon the measure of the federal town. All Congress seemed desirous to keep it from the journals, and at length succeeded as to the preamble. The resolution was negatived.

Having failed doing any thing effectual at Trenton we conceived this measure had taken its direction. Our friends of Maryland should then have been upon the floor to have aided us, and why now fill the journals with vain and fruitless opposition, but to disseminate an opinion of divisions in our councils, and throw contempt on our government.

We have the honor to be with great respect and esteem,
Your excellency's most obdt and most hble svts.

S. HARDY
JAS MONROE.

His Excellency PATRICK HENRY,
Governor of Virginia, Richmond.

Richard Henry Lee to Patrick Henry.

NEW YORK, February 14, 1785.

DEAR SIR: Your favour of December[1] 9th, has just now been put into my hands, together with the printed papers that you were pleased to send me, but I have not yet had the pleasure of finding Colonel Grayson here. I do sincerely wish to see my country flourish and be happy, so that if by any means in my power, I can contribute to this most desirable end, I shall certainly exert myself. No time or circumstance can ever force from my mind, the sincere affections that I entertain for the original friends to the just rights of America, whose wise and firm persevereance has secured to the United States at last the blessings, without

[1] Doubtless a mistake for January. See ante.

which there is little difference between men and brutes. The ill state of health that I contracted at Richmond in May 1783, still afflicts me, which, added to the business and ceremony of my present office (President of Congress) afflicts me much, and must necessarily prevent me from such frequent communications as otherwise I should undoubtedly make. With respect to official intelligence from Europe, we have none of great consequence; Mr. Adams thinks, that the negotiations of this winter will properly accommodate the difference between the emperor and the United Neitherlands, and our charge des affairs at Madrid informs us that the court of Spain has appointed Mr. Gardoque to come here as their minister, and we expect him daily. His purpose is to treat of commerce, and territorial limits. Our ministers at Paris are generally proposing treaties of amity and commerce with all the European commercial powers, and they receive answers very civil, but as yet no treaties formed, except such as you have seen notified from Congress. As you have been pleased to desire my reflections upon the state of affairs, I will give them freely, as they appear to me. The courts with which we are most immediately concerned, are Spain, England, France and Holland; the first two because we border on them, and because we have with each most pressing difficulty; the two last, because we are indebted to them both on the score of money lent, and friendship in other ways conferred. Spain is proud, and extremely jealous of our approximation to her South American territory, and fearing the example of our ascendency upon that country, is grasping forever at more territory, by way of security; and hoping to derive benefit to her system, from our want of system, our discord and inattention. Hence we may expect from Mr. Gardoque, an apparent firm demand of the exclusive navigation of the Mississippi, with some tempting commercial offers to procure our assent to the loss of this very valuable navigation. But probably the apprehension of a quarrel with us, and the effect of it upon their South American possessions, may secure to us, if we are wise and firm, the free navigation to be finally agreed

to by Spain. With Great Britain, our difficulties will be greater; equally proud with Spain, and much more powerful, with fewer reasons to fear a rupture with us, and more to hope from a successful one; she remains sullen after defeat and seeming to wish for just provocation to renew the combat. The passions of states and of individuals are not very different; for what are the former, but a compound of individuals, and of course carrying into the composition those leading principles that characterize the parts. In private life a wise and fortunate victor over great strength, would in all his conduct with the vanquished show a respectful civility, avoiding every display of supposed superiority, and carefully shunning every appearance of giving cause for fresh offence. It seems to me that if the conduct of America had been founded on such principles, our magnanimity must have been confessed, and that the seeds of future discord would not have been so effectually sown as I fear they are. Both countries have been to blame, and transgressions against the terms of peace were on each side coeval, so that whilst we charged them with removing the slaves from New York, they pointed to the violence with which their friends were every where treated, with the detention of their debts, and with actions here brought against those who possessed houses in this city whilst it was in their power by the fortunes of war. This again is followed by their detention of the western posts, by their encroachments on our north-eastern boundary about St. Croix, and by their unfriendly interruption of our commerce, and lately by arresting in London a merchant of Philadelphia for debt, because his privateer had taken during the war a vessel belonging to the complainant. This is an unpleasant state of things, and if temper and wisdom are not employed on both sides, it is not difficult to foresee a renewed rupture ere long. The principles of republics being virtuous, and their conduct therefore squaring with justice, they rather negotiate difficulties than fight them. Monarchies depend too much upon the *ultima ratio regum*. When we have acted fully up to our principle, we shall be upon strong ground

to combat theirs. But the cause of virtue, without proper means to support it, must often fail. These considerations lead me to wish most sincerely that my country may quickly cease to give the smallest cause for just offence, and that our rulers would engrave upon their minds the wisdom of the inscription upon the arsenal of Berne in Switzerland—"That people happy are, who, during peace, prepare the necessary stores for war." It is in vain for us to expect this from the United States—to be secure each state must provide amply for itself; and whenever Great Britain shall find us just, temperate and prepared, she will be extremely cautious of hostile aggressions, or of unjust treatment of us. If this reasoning be right, how will your excellency's administration be marked for wisdom, if effectual attention be paid to the collection and preservation of military stores. I have here been informed, by an officer of rank in the continental artillery at the surrender of York, that several pieces of our artillery were retaken from the enemy, and that they are now at Philadelphia: it deserves to be considered, whether these are not subject to be returned to us upon demand of the State; there were also several pieces of our artillery thrown into Pamunkey river, near New Castle, in 1781, and some other pieces fixed in the ground and in vain attempted to be destroyed by the enemy. Baron Steuben lately sent us the enclosed letter, which I have now the honor to transmit; his published plan is only an outline, but the details by which that plan is to be executed he professes himself willing to communicate, when the state of Virginia shall call upon him for them. The sum of this (I fear too long digression, upon our relative situation with Great Britain) is, that being secure of having done right, we should be fully prepared to meet aggressions from that quarter; a sentiment founded upon an attentive consideration of the correspondence between the British generals during the late war, by which it is not difficult to discover that experience had instructed them in this truth, that a war against the United States had better be pushed in full force at first against Virginia. I have before observed to

your Excellency, that Mr. Adams thought we might expect a compromise between Holland and the Emperor from the negotiations of this winter; it is certain that every influence of France will be used to effect the compromise for reasons very obvious; but whilst the Emperor demands as preliminary, that the Scheldt shall be opened, and Holland as peremptorily says, that it must not, it remains possible, but not probable, that an accommodation may take place: if it does not, the powers on the continent will be engaged in a most expensive war, whilst, as it seems, Great Britain will remain neuter, and by peace, preparing herself for war, render her hostile views more dangerous to us. The apprehension of this difficulty on the part of our friends, has probably produced the strong intimations that we must be exact in the payment of our interest upon the foreign loans; and the same reason does indeed call upon the United States, in the strongest sense, to be punctual in their payments, that those who have assisted us in the day of our distress, may not suffer for their generosity.

The attention of Congress, has been applied to our western concerns, as your Excellency will see by the treaties made with the Six Nations, and the Western Indians. In the latter, the Shawanese are not included, but their being prevented by some active British emissary from coming to the latter treaty, will probably not be attended with ill consequences, as they are very much under the control of the Six Nations, and of the Wyandots, their powerful neighbors. The spring will open further treaties with the more southern tribes northwest of the Ohio, and also on the south-eastern side, upon ours and the frontiers of North and South Carolina and Georgia.

Judging from myself, I suppose your Excellency will be tired with the length of this letter, and if you will pardon it, I promise you that I will not again transgress in the same manner. I have the honor to be, with sentiments of esteem, respect, and regard, sir, your Excellency's most obt serv't,

RICHARD HENRY LEE.

His Excellency, GOV. HENRY.

Patrick Henry to George Washington.

RICHMOND, March 12th 1785

DEAR SIR: The Honor you are pleased to do me in your Favor of the 27th ult°,[1] in which you desire my opinion in a friendly way concerning the Act Inclosed you lately, is very flattering to me. I did not receive the Letter 'till Thursday, & since that my Family has been very sickly. My oldest Grandson, a fine Boy indeed about 9 years old, lays at the Point of Death. Under this State of uneasiness & perturbation, I feel some unfitness to consider a Subject of so delicate a nature as that you have desired my thoughts on. Besides, I have some Expectation of a Conveyance more proper, it may be, than the present, when I would wish to send you some packets received from Ireland, which I fear the post cannot carry at once. If he does not take them free, I shan't send them, for they are heavy. Capt. Boyle who had them from Sir Edwd Newenham, wishes for the Honor of a Line from you, which I have promised to forward to him.

I will give you the trouble of hearing from me next post if no opportunity presents sooner, & in the mean time I beg you to be persuaded, that with the most sincere attachment I am,

dear Sir,
Your most obedient servant,

P. HENRY.

GENL WASHINGTON.

Colonel Joseph Martin to Patrick Henry.

HENRY Co. March 26, 1785

SIR: I returned last evening from the Indian country, after taking a tour thro the valley and middle settlements; also the different Cherokee towns bordering on South Caro-

[1] Ante, vol. ii.

lina and Georgia. I find the Indians there very friendly, being well satisfied with the said states, as they have run a line agreeable to treaty, and have effectually prevented the citizens from encroaching on their lands. What is called the middle-grounds, which lies between the Creeks and Cherokees, is settled by both parties. There is great disorder amongst them, as Scott and McDonald live amongst them with a number of disorderly whites, who refuse to come in, and are daily urging the Indians to steal horses from the frontiers of Virginia and North Carolina, which they send to the Floridas, &c. The people over the mountains in North Carolina have declared themselves independent of that State; have chose a Governor and council of their own; also have elected delegates, and are now setting in general Assembly. They call their state Franklyn. I have enclosed Governor Martin's letter to me on that subject, by which your Excellency may form an idea of what is like to be done there. They intend to lay off a new county south of the French Broad river, in the lands reserved by the state of North Carolina for the Indians, which county so laid off will include some of the towns the Indians are now in a liveing. Capt. Cocke is choose a member of congress, who sets out about the tenth day of April, which if they proceed will undoubtedly involve the states in war with the Indians. Hubbard, that murdered Butler, is one of their delegates, that has provoked the Indians much, as they now despair of his being brought to justice, and, as I suppose, have attempted to take satisfaction at the house of one Cox near the end of Clinch Mountain, where an attack was made the 10th instant. The damage done there was one horse killed. On the 12 ult. one Hugh Logan and one Gibson came into the neighborhood of Long Island, who inform that on the 12th of February last they were taken prisoners by the Creek Indians, and were carried by them as far as the head of Mobeal. That they were black't and was to be burnt; that they made their escapes one night; that they travailed seven days without sustenance; at last fell in with some of the Chickamauga Indians, who took

care of them and sent them to the old towns. They say that one of the Indians who took them talks good English, who informed them that they had taken four scalps from Cumberland and a negro boy. That they had been trying to provoke the Virginians to fight them ever since he was a little boy. But that Virginians would not be angry with them. That they this year intended to watch the Kentucky road, also to attack Cumberland settlements, and roast the S'd prisoners jackets, and see if that would not provoke the Virginians. I also have enclosed copy of a letter from Ellis Hardin, who is just from Chickamauga. On the 17 inst a party of Indians came to the house of John Wallin, killed and scalpt his wife, about fifteen miles from my station, and I further expect every hour to hear that the people there are all murdered. Col° Campbell never sent the men out agreeable to Governor Harrison's orders. I laid in provisions for them agreeable to my instructions.

. . . I intended down this spring, in order to settle my accounts generally. I could, by no means, collect the skins due the public, as I was forced to let part of the goods out to traders when I went to trade with the Chickasaws; they have let them out on credit. . . . They say the Spaniards, who have been all the winter at Chickamauga, have got greatest part of the skins and furr from Indians. . . .

I applyed to several officers in Washington County, on my way out, for men, agreeable to Governor Harrison's order. They all say they have no authority. That being the case, I must assure your Excellency that about three years past I was appointed Lieuten't Col°. in the Second Battalion of Washington Militia under Col° Smith, who has since removed to Cumberland. I am now the Eldest officer in that county except Col°. Campbell and Edmonson. . . . I should be glad my commission could be forwarded to me in case of invasion, which daily threatens that quarter, &c.

JOSEPH MARTIN.

To His Excellency PATRICK HENRY,
Gov^r of V^a.

Patrick Henry to Charles Pearson.

IN COUNCIL, March, 28, 1785

SIR: You are to take under your care the prisoners, Francis Wilson, Bartholomew Taylor, Christopher Clark, Thomas Humphrees, George Miles, & Philip Davis, from the hands of William Rose, Goaler, and to cause them to labor upon such streets and ways of communication in the City of Richmond, as the Directors of the public buildings shall point out to you from time to time. The said Davis for 5 years, and all the others for three years. You are to observe such a degree of humanity towards these people as their condition will permit, in every thing that relates to them. You will take the necessary measures to prevent escapes—In order to this you are to cause them to wear such irons as are absolutely necessary for that purpose.

Particular care must be taken that they have plenty of wholesome food, and that their clothes be warm and comfortable. Two Duffell blankets must be had for each man, and they are to lodge of nights in the Public Jail. You are to take care that their clothes and lodging be kept clean, and that their labor be confined to the usual hours and good weather. In case of sickness you are to apply to Doctor Foushee for medical assistance.

From the state of confinement in which these people have remained lately, it is necessary for you to be careful that they avoid such a degree of exposure and labor as may be safely practised by persons who have not been confined. Their progress to a full share of labor must be gradual—You are to see that they be not restrained from attending divine worship, and attend them accordingly. You are to apply to the directors of the public buildings for food for the laborers. Clothes will be furnished by Colo Merewether, and as a full compensation for your services herein you are to be allowed one hundred pounds per annum, to be paid quarterly out of the Contingent Fund.

I am &c, P. HENRY.

TO CHARLES PEARSON,
Sergeant of Richmond.

John Fitch to Patrick Henry.

MAY IT PLEASE YOUR EXCELLENCY: I was last fall informed by Doct^{r} Johnston, that my going over the Ohio river had been very unfairly represented to you, and that you disapproved of it for fear it might raise the resentment of the Neighbouring Indians, and be of bad consequence upon the Virtuous Citizens on the frontiers, which considerably alarmed me till the same informant told me he had given you a more candid representation of the matter. May it please Your Excellency, There is nothing would give me pain equal to doing anything that should be injurious to my country, and I am happy to live where the Chief Magistrate takes every Laudable care to promote the peace of the State, but how was I surprised when I saw your Proclamation, and from the information I had received considered myself as a principal person aimed at. That so inconsiderable a person should be at all known by Your Excellency was a little Flattering. But Sir I had rather be known to you by a good than by an evil deed. True it is I have traversed the Country on the N. West Side of the Ohio, first as a forlorn Captive, and since as a freeman, but with the most upright Views, expecting the Lands there would be sold shortly. I was led to Explore the Country more minutely to spy out the choicest and best spots, hoping such knowledge joined to my skill in surveying (in which business I have had the honour to serve the State of Virginia) might be of service to me at another day, in the meantime instead of provoking I soothed the savages by presants and otherwise, which my own safety as well as the good of my country urged me too. If this my humble plea founded in truth and matter of fact is admited, perhaps I may advance a step further and say, should Your Excellency or the State of Virginia at any time have occasion for a man who has been often intrusted and ever faithful, who has the most perfect knowledge of the N. W. parts of the United States of perhaps any man in the States. Be pleased to know that

such a one resides some times in Philadelphia, where he will be happy to be honoured with Your Excellency's Commands.

I have the honour to be
May it Please Your Excellency,
Your most dutiful and most devoted
Humble Servant,
JOHN FITCH.

PHILA, the 30 March, 1785.
To His Excellency THE GOVERNOR OF VIRGINIA.

Patrick Henry to Thomas Barclay, Esq., American Consul in France.

IN COUNCIL. RICHMOND VIRGINIA, March 30. 1785.

SIR: I request you to procure and send forward without loss of time, the arms, powder, flints and cartridge paper, specified in the inclosed advice of the Council of State. You know how much depends on the quality of the arms, and powder particularly, and I am sure your zeal for our welfare and safety is so great as to supersede the necessity of saying more on that subject. The enclosed abstract of the militia law is directory as to the size of the arms. The Marquis la Fayette and Mr. Jefferson are written to for the purpose of giving you facility on this business.

I could have wished your directions as to the remittances spoken of in the enclosed advice. But bills will be transmitted, most probably on London, in your favor, agreeably to the advice as to the time and amount. If good bills can be had on Paris, they will be purchased and sent there; but as I suppose it is of no great consequence which of the two places is preferred, the goodness of the bills and the readiness in finding them will be the only objects that will govern the executive in that respect.

As to the certainty of the fund appropriated by law for procuring the above articles, I can only say that I am

entirely of the same opinion with the council on that head, and I do hereby conform to their advice in every respect on this subject, and pledge the faith of the commonwealth of Virginia to make you the remittance and allowance according to the true intent and meaning of the minute of council inclosed.

As I wish to see the great business of laying up arms and military stores invariably prosecuted, until every man here (say about 50,000, $\frac{2}{3}^{ds}$ wanting arms) is furnished, I request you to enquire and let me know the terms on which the business can be further prosecuted. The quality of arms and stores is essential above all other things. Perhaps a contract can be obtained on such terms as may tempt the assembly to make an extraordinary exertion. I wish to be able to communicate proposals to them on the subject.

I am &c.

P. HENRY.

To THOMAS BARCLAY, ESQ., Paris.

Patrick Henry to Thomas Jefferson.

IN COUNCIL, March 30. 1785.

SIR: You will see by the enclosed advice of council the nature of the business which I have committed to Mr. Barclay. I could have wished that the sum to be laid out had been more adequate to our want of arms. But the pressure of our debts and the circumstances of our country seem to forbid for the present its increase. However I am to hope that the great business of laying up arms and military stores will be invariably prosecuted, and that every year will afford a respectable sum for this purpose, till the great object is fully accomplished.

I beg of you, sir, to be pleased to afford Mr. Barclay your patronage and assistance in fulfilling his commission, and speedily sending to us the articles wanted, and I have hope

that your well known zeal for the safety of our commonwealth will be my excuse for giving you this trouble.

If I could lay before the Assembly favorable proposals for furnishing the residue of the arms and stores we want, perhaps it would induce them to make an exertion to find the requisite sum of money to complete, or nearly accomplish, this great work.

For this end I have desired Mr. Barclay to look out for such proposals, and write me.

I am &c.

P. HENRY.

The Hon. THOMAS JEFFERSON,
Minister to France.

Patrick Henry to the Marquis de La Fayette.

IN COUNCIL RICHMOND March 30. 1785.

SIR: The General Assembly at their last session directed the Executive to lay out £10,000. in the purchase of arms, powder, flints and cartridge paper. I have written to Mr. Thomas Barclay, & commissioned him to make the purchase, and ship the articles for this place as quickly as possible. Perhaps that gentlemen may not readily understand from what hands he may obtain the arms and the powder of such quality on which it may be proper to trust the public safety. If he should be at a loss in that particular I entreat that you will be pleased to afford him your patronage and assistance.

The present season of tranquility is the most proper for providing arms for our militia. And a much larger sum than that now to be laid out would have been employed for this great purpose, was it not that our public debts forbid it. However I trust that every shilling which frugality in public establishments, and strict economy in every department, may be able to spare, will be applyed to accomplish it.

Your past attentions, sir, which have in the most trying circumstances distinguished you as the generous friend and defender of this commonwealth, afford me the hope that I shall be excused for giving you the trouble of this application.

I am &c.

P. HENRY.

To the MARQUIS DE LA FAYETTE.

Patrick Henry to George Washington.

RICHMOND April 4th 1785.

DEAR SIR: I beg Leave to introduce to you the Bearer, Mr Arnold Henry Dohrman. He is of Lisbon, but has spent a year or two in America, gratifying himself with the sight of a Country to whose Interests he devoted himself & his Fortune in the very early periods of the late War. Hundreds (I believe I am within Bounds) of our Captive Countrymen, bereft of Clothes, Victuals, Friends & Money, found all these in his Bounty; and this at a time & place when the Fury & Rage of our Enemys against what they called Rebellion carry'd them to Acts of Cruelty & great Inhumanity. Congress sensible of his merit several years ago made him agent for the United States in Portugal, & I believe would have gladly given him more substantial proofs of the public Gratitude had opportunity presented. Our Senate gave him their thanks, and I believe the Delegates would have done so, had it not been that he arrived here just at the close of a tedious session, in very bad weather, when every Member was anxious to get away, & business of great Extent and magnitude was Crowded into the Compass of one or two days discussion.

Mr Dohrman has liberal, extensive, & useful Intentions respecting America. He has a good Deal of Business with Congress, & intends to spend some time at New York. I feel myself interested in the Reception he meets with there,

sensible as I am of his great merit & amiable disposition. And I cannot but hope our Country may be availed of his unbounded zeal for her Service, joined to very respectable abilitys, & Experience in European Business & Politics.

In giving this worthy person your Countenance you will much oblige him who is with the sincerest attachment,

Dear Sir,

Your most obedient Servant,

P. HENRY.

GENL WASHINGTON.

Thomas Jefferson to Patrick Henry.

PARIS, April 15th, 1785.

SIR: I had the honor of informing your excellency in my letter of Feb. 3, that I had received and presented Mr. Alexander's bill on Laval and Wilfelsheim; that they had refused to pay it; that I had had it protested, but on their saying they would then accept, I had sent it to them again, but received no answer, when I was obliged to send off my letter. They returned it to me accepted, paiable in London, a trick by which you would have lost about eight per cent., the exchange between this place and London being now, and having been a long time, that much to the disadvantage of this country. They had written this so illegibly, and so hid the words "à Londres" in a corner of the note that it escaped me, as it did even Mr. Grand, through whom the note was returned to me; and this was never discovered till the day came when they should have paid it. They then insisted the demand should be made in London. After a course of chicanery, the detail of which would be tedious and only shew their rascality, they have agreed to pay in Paris the 19th instant. I sent to them yesterday to inform them I was to write this day on the subject of the bill, and to know whether I might rely that there would be no further difficulties. They said I might; yet, have they so totally destroyed confidence in them that I am far from

being satisfied on this subject. I had not meant to have required actual payment till Mons. Houdon should be setting out to America; but as I find them to be men who might fail me in the instant when it should be wanted, I shall draw the money out of their hands as soon as I can and lodge it with Mr. Grand. I must at the same time inform you that nothing more is settled yet with Mons. Houdon. He was taken ill immediately after the writing my letter to your Excellency, and has been a considerable part of the time in a situation quite despaired of. He is now out of danger, but not well enough to think of business. The picture of Genl. Washington is come to hand.

I have the honour to be with due respect,

Your Excellency's most ob't.

and most humble servt.

THO^{S}. JEFFERSON.

To His Excellency PATRICK HENRY,

Gov^{r} of V^{a}.

Patrick Henry to the Delegates from Virginia in Congress.

IN COUNCIL RICHMOND April 16. 1785.

GENTLEMEN: By your several dispatches relative to Indian affairs, I perceive that no treaty is concluded with the western Indians, and the commissioners lately appointed to treat with the southern tribes, I find, are restricted to the Cherokees and others south of them.

I have no doubt but Congress see the necessity of attending to western nations, and that proper measures are adopted for guarding against the fatal effects of their enmity, or final removing it by conciliatory measures. I hope my solicitude on this subject will be excused, when it is considered how deeply the citizens of Virginia are interested in the speedy and proper termination of this business. The savages alluded to being those from whom the most material injuries have been, & may be received, and

whose friendship, or enmity, is of the greatest importance to us.

It will give me great satisfaction to know by the earliest opportunity the particular situation and progress of this affair, in order that measures calculated for public safety may be adopted if found necessary.

The people settled on the western waters within the limits of No. Carolina have erected themselves into a separate government, claiming sovereign authority. The nature of this proceeding, added to the near neighborhood of the place where it is transacted, gives me some alarm; especially when I consider that the encroachments which are made on the Indians under the new authority, must certainly produce hostility, if not quickly retracted. But from the disposition of the intruders, and the fertility and value of the lands, and the convenience of the cleared fields of the Indians (and some of them I am informed are included in a newly formed county) I have little hope that either justice or policy will have much influence on their proceedings. My information comes from Colo. Jos. Martin, our agent for Indian affairs, an extract of whose Letter on the subject I send you.

I am under a necessity of ordering our agent, in case hostilities with the Indians are brought on by these people, to inculcate on the former the propriety of distinguishing between our citizens and those of any other description, and engaging for a neutrality on the part of Virginia. But this being a matter of great delicacy, and if hastily declared, or indiscreetly published, might operate as a signal for war against the newly assumed government, I have strictly enjoined the agent to reserve these as the last remedy, after trying every other means to keep peace.

You will observe the embarrassment into which this step of the western Carolinians has brought the public affairs in that quarter. The influence it may have on Indians affairs, on the expected negociations with Spain, as well as on the citizens of the bordering states, may be very powerful, if not carefully attended to. I have not a doubt but Congress

will give to this subject all the deliberation the importance of it calls for. I am &c.

P. HENRY.

To the Va. Delegates in Congress.

Patrick Henry to Colonel Joseph Martin.

IN COUNCIL April 16. 1785.

SIR: Observing by your favor of the 26th of March last that the people inhabiting the country called by them Franklin, have erected themselves into a separate state claiming sovereign power, I consider it as a matter of consequence to conduct our affairs with propriety respecting them. Indeed, when I consider the encroachment which you inform me they are making on the Cherokee lands, I find it necessary to direct you to give very particular attention to the subject. If you shall discover that their resentment is likely to terminate in hostilities, which in the common course must reach our settlements, you are to communicate to the Indians in some fit and proper manner a solemn and pointed assurance, that the state of Virginia is not party aiding or assisting in the encroachment on their territory, that we wish not to have any kind of dispute with them, that the boundary line of Virginia was not extended until they were paid for the lands it included, and southward of that line, we claim no lands. As we are therefore not concerned in the dispute, you are to insist upon the observance of a strict neutrality towards the citizens of Virginia, assuring them that our people will not molest them or give assistance in the dispute to either party. Nothing will prevent the continuance of this neutrality on our part, but hostility committed on our people; and they are easily distinguished, as they all live on this side of the boundary line with which the Indians are acquainted.

You are to consider this as a very important and most delicate affair, and the time and manner of making this communication to the Indians must be chosen on the most mature consideration, and with the greatest prudence and

judgment. I can describe neither, but in general direct that you wait until you are certain that matters have gone so far towards hostilities that your application is become necessary to preserve our citizens, and that in the manner of delivering yourself to the Indians you avoid every idea of influencing or encouraging them to war against the people of Carolina who have assumed a distinct government. For these people were lately allied to us by every sacred tie. They may be so again. I wish to consider them as brethren. Nothing can so much contribute to this as their observance of strict justice and peace. Perhaps in the progress of affairs you may find it prudent to have communications with some people in the new district.

If their conduct shall show a disposition to injure the Indians so as to bring war, it may be proper to warn such of them as your own prudence will point out, of the orders I now give you to inform the Indians of the intended neutrality which I wish to preserve for Virginia. And if notwithstanding every friendly endeavour to prevent encroachment, and preserve peace with the Indians, you shall find such provocations given them as necessarily to produce war, you are to give them the information above respecting our neutrality, and our strict adherence to all our former treaties and talks had with them.

In general, sir, I wish you to consider an Indian war as a fatal evil, and to be avoided if possible. Besides the cruel suffering brought on individuals, it will create expenses that in the present situation of our finances and debts must produce total derangement, confusion, and final ruin of public credit, which we are laboring to establish. And I wish you also to observe and circulate, that the present situation of affairs with Spain render it highly impolitic to provoke the Indians, for they will naturally throw themselves into the arms of the Spaniards, and fly to them for protection from our oppressions and injustice. This circumstance might induce an obstinacy in witholding from us the western navigation, which is at this moment the subject of negociation.

You observe that by the despatches from Congress, which

accompany this, the time fixed for meeting the other commissioners at Charleston is so distant, that before the Indians can be assembled at a general treaty the summer will be advanced. I therefore think it highly necessary, that critically as affairs are now circumstanced, you should watch attentively and discover whether danger may not follow from waiting so long for the treaty. If you judge it necessary in the mean time, for the preservation of peace, to hold talks or meetings with the Indians, or to take measures for disposing them to meet at the general treaty, and in the interim to suspend their resentment, you are to do so. The expenses attending this I suppose may be properly charged to Congress. But in case payment cannot be had from that quarter, I engage on behalf of this state to pay the reasonable expense so incurred. In order to give weight and force to your endeavors that the Indians may distinguish between the citizens of this state and those persons of any other description who may do them wrong, I send you herewith some copies of an act of assembly which I wish to be dispersed and explained among them. I shall be glad also to send some of them to the Spanish comandants on the Mississippi. But especially one to the Governor at New Orleans. This I should have done, but no conveyance offered.

As to what relates to the trade with the Chickasaws, that matter, and every other of a similar nature, will fall under your notice as a commissioner under the authority of Congress.

The goods which are public property and remain in your hands ought to be sold, and every debt due the public collected as soon as possible. If the state of affairs shall be found to require it, presents to the Indians may be made out of the goods on hand, taking an account of them that payment to the state may be made by Congress.

As you tell me Colo. Arthur Campbell refused to furnish the men ordered to your station by Governor Harrison, I desire to have certain information whether he received the orders. Please to be explicit and clear on this subject, for

I shall in no instance permit disobedience to orders to escape with impunity.

I am &c, P. HENRY.

To COL. JOSEPH MARTIN.

Patrick Henry to Horatio Gates.

RICHMOND, April 21st 1785.

DEAR SIR: I am very much obliged to you for the attention you gave my Letter on the Subject of recommending officers, & am only sorry that your Favor did not arrive here sooner, as the Law compelled me to make out the commissions on the 1st Day of this month.

I am very sensible of the Grievance you mention respecting the promulgation of our Laws. The Bearer of yours has charged himself with the number of copys apportioned for your county. I beg leave to present you with one, & a copy of the confederation &c.

I do assure you, Sir, it will ever afford me the highest pleasure to hear of your Welfare & Happiness.

Nothing can give me greater Satisfaction than rendering you acceptable Service, & testifying how much I am,

Dear Sir,

Your most obedient Servant,

P. HENRY.

GENERAL GATES.

Colonel William Davies to Patrick Henry.

BLANDFORD 23, April 1785.

SIR: Sometime ago the committee of this county, unsolicited by me, did me the honor to recommend me to your Excellency as a proper person for the post of county Lieutenant—a post of no moment to myself, and for which I would not expose myself to the murmer of a single individual. Should there be known to your Excellency any person in the county dissatisfied with the recommendation, I would beg leave to decline the appointment; if I had

heard of any discontent myself, I would now signify my positive refusal; but until I do, I shall hold myself ready to obey the voice of my country.

The continental officers residing in the county of Brunswick, who are dissatisfied with the recommendations, excepting that for the county Lieutenant, request me to state their rank to your Excellency. John Stith, who is on the recommendation for Major, was a captain of old standing and considerable reputation in the army. David Walker, who served from nearly the beginning to the end of the war, rose to the rank of captain, and to my own knowledge was a steady, regular, diligent officer. Nathaniel Lucas was in the army until, against his wishes, he was declared a supernumerary, and Binns Jones, who had been a lieutenant, was broke by sentence of court martial, tho' I do not recollect for what. . . . I was not readily persuaded to give your Excellency this trouble, but upon a suggestion that the station I held in the Army, and the office I executed in the state, put it more particularly in my power to certify upon the subject, I was at length prevailed upon to state to your Excellency what I knew respecting it. Your Excellency must permit me to embrace this occasion of offering my congratulations on the repeated proofs you receive of the established confidence of your country, and on your reappointment to the highest office in the state. I beg leave to assure you of the great respect and esteem with which I have the honor to be, sir,

Your Excellency's most ob't and humble servant &c.

WM DAVIES.

To His Excellency PATRICK HENRY
Govr of Va

The Marquis de La Fayette to Patrick Henry.

PARIS June the 7th. 1785.

SIR: I Have been Honoured with your Excellency's Commands dated in Council March the 30th., and find myself Happy to Be Employed in the Service of the Virginia Mili-

tia, to whom I am so particularly bound by Everlasting sentiments of Regard and Gratitude.

As soon as your favor Came to Hand, which was only a few days ago, I Have waited on Mr. Barklay, and at His request, with Mr. Jefferson's Advice, I Applied to Mons. de Goibeauent, lieutenant General and Commander in chief of the French Artillery. From this very learned Gentleman I Have Got a Return, Containing the manner in which the ten thousand pounds, may, Agreeable to your directions, be laid out. As to the Expense, it May be reduced to the price Contracted for by the king, and the Arms and powder will be proved by the officers of the Royal Corps, after which I shall myself inspect them with the most scrupulous attention. Those papers I have put this day in Mr. Barklay's Hands, and by the end of the month Hope to get farther information from the Manufacturers, enabling us to adopt the best and cheapest Method to Execute your Commands, in which Mr. Jefferson and myself will be Happy to Give Mr. Barklay Every Assistance in our power.

Indeed, sir, the Virginia Militia deserves to be well armed and properly attended. I pray to God these warlike stores may never be of use. But should America unfortunately Have Any future Occasion for soldiers, I Hope she will not leave out of Her list, one, who was early adopted in her service, and who, at all times, will most Readily and most devotedly offer His Exertions.

With Unbounded wishes for the Complete prosperity of the State of Virginia, and with affectionate sentiments of the most perfect Respect for your Excellency, I Have the Honour to be, Sir,

Your Excellency's
Most obedient Humble servant.

LAFAYETTE.

To His Excellency PATRICK HENRY Esq.

Patrick Henry to General William Russell, of Washington County.

COUNCIL CHAMBER June 10, 1785.

SIR: This is accompanied by a proclamation for carrying into effect the Militia Law of last session, and by several commissions; one of county lieutenant for yourself, and 6 others for those names they bear as field officers for your county.

In the present critical situation of affairs with you, it is necessary to prevent, if possible, any considerable interval of time between the old and new arrangements. And to this end I think it best to publish the proclamation at the court, when you and the other gentlemen may qualify to the commissions now sent, and not before. On the same day you may assemble the senior magistrates and recommend to me the captains and subalterns according to law. Send this recommendation to me by express, and I will pay him. This I do in order to leave no room for mischief to arise for want of officers, and you will see the absolute necessity of despatch. The express will return with commissions for the captains and subs, and they may qualify at the next court, so that the whole affair may be finished in one month. During that time I trust the zeal and well known bravery of your people may be sufficient to keep them safe from hostile efforts, and if need be that volunteers may offer their services. Some hazard however is incurred by these measures. But on mature deliberation it is thought better to encounter it, than postpone the present arrangement.

I have confidence, sir, that in the conduct of the gentlemen to whom commissions are now sent will be seen that prudence, zeal and attachment to our commonwealth, which will evince the propriety of the appointments now made in preference to the former.

I am &c,

P. HENRY.

TO GEN^{L} WILLIAM RUSSELL.

Patrick Henry to George Washington.

RICHMOND June 10th 1785.

DEAR SIR: You may remember that when you were at this place I informed you my Son in Law, Mr Fountaine, was in Carolina, & that when he returned I would let you know the situation in which the Lands near the So end of the dismal swamp were. By the best Intelligence I can collect there is near Pasquotank River, a few miles from the Bridge, a pretty considerable Quantity of Swamp now vacant, say 6,000 acres. Mr Fountaine has located a large Tract, near 10,000 acres I think, for himself & his Friends, of which I am to have about $\frac{1}{6}$th—I believe that which is to be had now is of the same quality or value.

The terms on which these vacant Grounds are taken up are £10 per hundred, payable in Cash or Certificates for specie Debts due from the State. These Certificates are to be had for half a Dollar for one pound—The other charges are low. I mean the Entry-tokens, Surveyor's & Secretary's Fees.—I find the Lebanon company hold their Lands higher than I informed you. Lands near theirs, & not better nor perhaps so good, are at a Dollar per Acre. I suppose a hope of seeing a navigable Canal to Virga somewhere in that neighbourhood, has enhanced them.

Mr Andrews & Mr Ronald, two of our Commrs for viewing & reporting the proper place for the Canal, have been with me lately. The former, who has spent much time in Traversing that country, is of opinion the most proper Direction for the Canal is thro' the dismal swamp—If you would wish to know the substance of the Report I shall certainly give it you when it comes in.

It will give me great pleasure to render you any acceptable service. If I can serve you in Carolina or elsewhere, I beg you will command me without any reserve. With sincere attachment I am, dear Sir,

Your affectionate humble Servant,

GENL WASHINGTON. P. HENRY.

Patrick Henry to General William Russell, of Washington County.

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Your affectionate humble Servant,

P. HENRY.

GENL WASHINGTON.

Thomas Jefferson to Patrick Henry.

PARIS June 16, 1785.

SIR: I had the honor of receiving the day before yesterday the resolution of council of Mar 10, and your letter of Mar, 30, and shall with great pleasure unite my endeavours with those of the M. de la Fayette and Mr. Barclay for the purpose of procuring the arms desired. nothing can be more wise than this determination to arm our people as it is impossible to say when our neighbors may think proper to give them exercise. I suppose that the establishing a manufacture of arms to go hand in hand with the purchase of them from hence is at present opposed by good reasons. this alone would make us independent for an article essential to our preservation, and workmen could probably be either got here, or drawn from England to be embarked hence.

In a letter of Jan 12, to Gov[r] Harrison I informed him of the necessity that the statuary should see Gen[l] Washington, that we should accordingly send him over unless the Executive disapproved of it, in which case I prayed to receive their pleasure. Mr. Houdon being now re-established in his health, and no countermand received, I hope this measure met the approbation of the Executive; Mr. Houdon will therefore go over with Dr. Franklin some time in the next month.

I have the honor of inclosing you the substance of propositions which have been made from London to the Farmers general of this country to furnish them with tobaccoes of Virginia & Maryland, which propositions were procured for me by the M. de la Fayette. I take the liberty of troubling you with them, on a supposition that it may be possible to have this article furnished from those two states to this country immediately, without it's passing through the entrepot of London, & the returns for it being made of course in London merchandise. 20,000 Hhds of tobo a year delivered here in exchange for the produce & manufactures of this country, many of which are as good, some

better, & most of them cheaper than in England, would establish a rivalship for our commerce which would have happy effects in all the three countries. whether this end will be best effected by giving out these propositions to our merchants, & exciting them to become candidates with the Farmers general for this contract, or by any other means, your Excellency will best judge on the spot.

I have the honor to be with sentiments of due respect,
Your Excellency's most obed^{t} and most humble servant,

TH : JEFFERSON.

To Gov^{r} HENRY.

P. S. I have written on the last subject to the Governor of Maryland also.

Patrick Henry to Thomas Barclay.

COUNCIL CHAMBER RICHMOND June 16, 1785.

SIR: The inclosed resolution of Assembly will serve to inform you of the change which is adopted respecting the bust for the Marquis la Fayette. I beg you to be so kind as to take Mr. Jefferson's directions in this business, for the execution of the wishes of the Assembly.

I am &c.

P. HENRY.

To THOMAS BARCLAY, ESQ., Paris.

Patrick Henry to Edmund Randolph.

COUNCIL CHAMBER June 21, 1785.

SIR: Judy, the black woman whom I mentioned to you, still suggests to me in the strongest terms that there is the most eminent danger of her being forcibly and secretly carryed out of the state, and treated as a slave, and that her child is now in close confinement as a slave. I am apprehensive, from a conversation with Mr. Fleming, that his

claim to her and child as slaves under the orders of Mr. Vashon will be obstinately insisted on. In order therefore to insure to this poor woman and child the situation to which the law entitles them, & to give them that protection which the Executive owes them ; I am to request that you will be pleased to take such measures as the laws warrant for ascertaining their freedom, and preventing their being forced away into slavery.

Fifty shillings for a fee to you for doing the business will be ordered from the contingent fund.

I am &c. P. HENRY.

HON. EDMUND RANDOLPH,
Atty. Gen' of Virginia.

George Washington to Patrick Henry.

MOUNT VERNON June 24th 1785.

DEAR SIR : The letter which Your Excell'y did me the honor to write to me on the 10th inst. came duly to hand ; and calls for my particular acknowledgements, and thanks for your obliging offers. Although I am strongly impressed with the opinion, that the sunken lands lying on Albemarle Sound, and the waters emptying therein, will in time become the most valuable property in this country ; yet, reflecting further, that it will require a considerable advance to reclaim, and render them fit for cultivation ; and in the mean while, that they may be subjected to expence, I believe it will be most advisable for me (in my situation) not to add to my present expenditures ; I am not less obliged to you however, for your friendly offer of services in this case.

If Your Excellency could make it convenient to give me the substance of the commissioners' report, respecting the place and the manner which are deemed best for a cut between the waters of Elizabeth River and those of No.

Carolina, I shall think myself obliged. The improving, and extending the inland navigation of the waters of this Commonwealth are, in my judgement, very interesting to the well being and glory of it; and I am always pleased with every acc't of the advancement of them. With great esteem, regard and respect.

I am Dear Sir,
Y'r most obed.
Affect. H'ble Serv.
G. WASHINGTON.

To His Excellency PATRICK HENRY.

Thomas Jefferson to Patrick Henry.

PARIS July 15. 1785.

SIR: Mr. Houdon's long and desperate illness has retarded till now his departure for Virginia. we had hoped from our first conversations with him that it would be easy to make our terms, and that the cost of the statue and expence of sending him would be but about a thousand guineas, but when we came to settle this precisely, he thought himself obliged to ask vastly more, insomuch that at one moment we thought our treaty at an end. but unwilling to commit such a work to an inferior hand, we made him an ultimate proposition on our part. he was as much mortified at the prospect of not being the executor of such a work, as we were not to have it done by such a hand, he therefore acceded to our terms, tho' we are satisfied he will be a considerable loser. we were led to insist on them because in a former letter to the Governor I had given the hope we entertained of bringing the whole within 1000 guineas. the terms are 25,000 livres or 1000 English guineas (the English guinea being worth 25 livres) for the statue & pedestal. besides this we pay his expences going & returning, which we expect will be between four and five thousand

livres: and if he dies in the voiage we pay his family 10,-000 livres. this latter proposition was disagreeable to us, but he has a father, mother & sisters who have no resource but in his labour; and he is himself one of the best men in the world, he therefore made it a *sine qua non*, without which all would have been off. we have reconciled it to ourselves by determining to get insurance on his life made in London, which we expect can be done for 5 per cent, so that it becomes an additional sum of 500 livres. I have written to Mr Adams to know for what per cent the insurance can be had. I inclose you, for a more particular detail, a copy of the agreement. D^{r} Franklin being on his departure did not become a party to the instrument, tho' it has been concluded with his approbation. he was disposed to give 250 guineas more, which would have split the difference between the actual terms & Mr. Houdon's demand.

I wish the state, at the conclusion of the work, may agree to give him this much more, because I am persuaded he will be a loser, which I am sure their generosity would not wish. but I have not given him the smallest expectation of it, chusing the proposition should come from the state which will be more honourable. You will perceive by the agreement that I pay him immediately 8333 1-3 livres, which is to be employed in getting the marble in Italy, it's transportation &c. the package & transportation of his stucco to make the moulds will be about 500 livres. I shall furnish him with money for his expences in France, & I have authorised D^{r} Franklin when he arrives in Philadelphia to draw on me for money for his other expences going, staying & returning. these draughts will have been made probably & will be on their way to me before you receive this, & with the paiments made here will amount to about 5000 livres more than the amount of the bill remitted me. another third of 8333 1-3 livres will become due at the end of the ensuing year. D^{r} Franklin leaves Passy this morning as he travels in a litter, Mr Houdon will follow him some days hence and will embark with him for Phila-

delphia. I am in hopes he need not stay in America more than a month.

I have the honour to be with due respect your Excellency's most obedient & most humble servt,

TH: JEFFERSON.

To GOVR HENRY.

John Sevier to Patrick Henry.

JULY 19, 1785.

SIR: Having an opportunity to send a letter to general Russell's, from whence I expect it can be forwarded to your Excellency, I take the liberty of writing to you. The people on the western waters on No. Carolina, for many reasons, too long to trouble you with, have formed themselves into a new state by the name of Franklin, and have appointed me their Governor. This appointment has brought on a conference with a famous leader of the Chickasaws, who came into the state a few days ago in order to solicit a trade with this part of the country. They say they were sent for by Colo. Martin on that business, but as he was in Carolina, waiting on the other congress commissioners for treating with the Indians when the Chickasaws came to the Cherokees, they thought proper to come on here. I will have them all well used, and encouraged a few honest people to return with them and take down a few goods. This can be done, because there is a very large store now opening at the North Fork, two miles below the Great Island, by merchants from Baltimore . . . I will beg leave to mention to your Excellency that I am taking every measure in my power to prevent encroachments on the Indians' land. This however, is a difficult task because North Carolina actually sold the land up to these towns. I have fixed a temporary line as far as people are settled, and none shall settle over it until it can be done by mutual agreement.

Although we have been forced into measures for separating from Carolina, I think it necessary to inform you that we will on no account encourage any part of the people of

your state to join us, nor will we receive any of them unless by consent of your state. We reverence the Virginians, and I am confident the Legislature here will at all times do everything to merit their esteem.

Congress have called again upon No. Carolina to confirm the cession which they unwisely withdrew, and I believe a majority of the people in Carolina are in our favour.

I do not expect your Excellency to correspond with us until our Government is recognized by Congress. But in the mean time you may rely we shall do every thing in our power to contribute to the welfare of all the neighbouring states as well as our own. And we hope soon to convince them all that we are not a banditti; but a people who mean to do right as far as our knowledge will lead us.

I am your Excellency's Ob't Serv't, &c. &c.

JOHN SEVIER.

To His Excellency Gov^r HENRY.

Arthur Campbell to Patrick Henry.

WASHINGTON COUNTY, July 26. 1785.

After being honored lately with the receipt of several of your Excellency's letters, particularly that of the 17^th^ May last, and the several communications made in consequence of them, particularly my letter of the 13th June, the principal officers, and the Whig interest in this county, seemed to rest satisfied, that an amicable and enlightened administration would pave the way to the legislature and to congress for the efficient and permanent redress of the principal, and in some cases the almost intolerable grievances of western inhabitants. But whilst secure in this confidence, we have to lament that the voice of calumny and faction have reached the seat of supreme rule, and that without a constitutional enquiry, without a fair hearing, it has been in some degree listened to and had effect. It is hard to defend,

when it is not known what we are charged with, and at all times who can disarm private picque, or be able to withstand malice and envy without feeling some smart? But political fury engendered by tory principles, knows no bounds, and is without a parallel. Bernard and Hutchinson have exhibited to governors and the world examples that ought to teach wisdom to this and succeeding generations. We are told (but it is only from report) that we have offended government on account of our sentiments being favourable to a new state, and our looking forward for a separation. If such a disposition is criminal, I confess there is not a few in this county to whom guilt may be imputed, and to many respectable characters in other counties on the western waters. If we wish for a separation it is on account of grievances that daily become more and more intolerable; it is from a hope that another mode of governing will make us more useful than we now are to the general confederacy, or ever can be, whilst so connected. But why can blame fall on us when our aim is to conduct measures in an orderly manner, and strictly consistent with the constitution. Surely men who have bound themselves by every *holy tie* to support republican principles cannot on a dispassionate consideration blame us. Our want of experience and knowledge may be made a plea against us. We deplore our circumstances and situation on that account, but at the same time firmly believe our advances to knowledge will still continue slow, perhaps verge towards ignorance and barbarism, without the benefit of local independent institutions. But why, sir, may we not take courage and say we are right when adverting to our constitution, to the different acts of congress, that of different legislatures, the opinions of the first statesmen in America, among whom we can number an illustrious commander, a great lawyer and judge in this state, and governor of Virginia himself.

All that I have to ask, & it is all that I may ever crave, is that your Excellency may not from invidious information, form rash measures, & so urge matters at an untimely day to extremities, which only might gratify an angry individ-

ual, but would by no means promote the interest and peace of the commonwealth, or its honor and dignity.

I am sir, with respect, Your most obedient servant &c., &c.,

ARTHUR CAMPBELL.

To His Excellency Gov^{r} HENRY.

James Montgomery, William Edmiston, and Arthur Bowen to Governor Patrick Henry.

WASHINGTON COUNTY July 27th 1785.

SIR: Viewing with concern the present situation of affairs in this county, through attempts of ambitious men, thereby intending to incense the good people thereof against the laws of the state and proceedings of government requisite thereto, finally to effect a new state in this quarter of the country, We cannot any longer remain tacit beholders of the evils already generating among us without the most alarmed sensations, which we think the ties of humanity and obligations to our country lead us to disclose.

Most secret plans have been laid to delude the people, holding out to them the idea of oppressive acts imposed by the General Assembly, intended to burthen them unjustly with a weight of taxes. Small committees were contrived and convened by Colonel Arthur Campbell, the leader of this disorder, so early as February and March last, under pretext of seeking redress of grievances in behalf of the country—his favorite theme to vail his grand object of seperation. He opened his committees by avowed declarations against collecting taxes in this county the present year, and decrying the laws in general of the last assembly. Notwithstanding every opposition then made to his measures, he continued to convene his committees, and not long after in one of his committees at Maj. Dysart's, disclosed his plan of representation to congress, thereby aiming to fix a bound-

ary to include a part of Virginia in the Franklin State. It is also notoriously known, that Colonel Campbell did, in a convention of North Carolina people, publickly propose to separate himself with the citizens of Washington and Montgomery in Virginia, and joining them declare themselves immediately independent of the states of Virginia and North Carolina, and moreover stand the front of the battle between these people and Virginia when necessary. His declaration to the people of this county at March Court, to elect no delegates to the General Assembly this year, together with his late opposition at July court to the proclamation issued by your Excellency in council the 10th June last, may be sufficient to satisfy your Excellency and honourable council, that the mischievous spirit prevailing here in opposition to the present collection and other proceedings of government, must have arisen from the licentious spirit of Colonel Campbell, conveyed to them through his artful insinuations daily since last court, exercised by public meetings in this county, intended to overset the designs of the Executive in the present arrangement of the militia; and there is reason to believe he is now aiming to effect associations to oppose the collection when attempted to be made. The charges herein contained can undoubtedly be supported by General Russell, Captain Andrew Rincannon, Capt. Henry Smith and Captain Wm. Cock of the Franklin settlement. We rest the charges herein contained for the discussion and ultimate decision of your Excellency and the honorable council, that if necessary he may be cited to answer the charges against him.

We are Sir, your Excellency's most obed't and very humble servants, &c., &c.,

JAS. MONTGOMERY.
WILLIAM EDMISTON.
ARTHUR BOWEN.

To His Excellency Govr PATRICK HENRY.

Samuel Brown to Gov. Henry, by Express.

GREENBRIER July 29th 1785.

By Express from Point Pleasant I am informed Colo. Thos. Lewis, with some other gentlemen from that place, have fallen into an ambuscade of the Indians, who, it appeared, had betrayed them by invitation to a kind of treaty at the Salt Licks. Colo. Lewis had been desirous of cultivating a friendly correspondence with them, and for that purpose had frequently sent to them, and had received the most friendly answers; but it appears their designs was only to entrap him, which they have effected much to the loss of the Inhabitants of that part, as they are now in the utmost distress, and a number of defenceless people exposed to the mercy of the savages. They have sent to me desiring some assistance, and notwithstanding I am unacquainted with what your pleasure may be in regard of the appointment of militia officers for this county, I have in consequence of my former office, taken the liberty to direct the captains of the respective companies to engage as many volunteers as may amount to twenty or thereabouts, which I design to send immediately to the relief of the people settled in the Kenaway, particularly at Point Pleasant, whose situation is truly hazardous, and hope the necessity of this measure will meet your approbation, especially as there is every reason to believe that several Tribes of savages are determined for war. As that Post will in great measure secure the whole of the frontiers of this county, I shall direct them to continue there till I receive your orders upon that head.

With Colo. Lewis fell Capt. Lockhart of this place, a Capt. Amberson from Fort Pitt, and one Mr. Squire.

Mr. Hanley, who has the honour of delivering this to you, will, I hope, be thought deserving of the allowance made to Expresses.

I am, sir, your Excellencie's mo. ob.
servant, &c., &c.

SAMUEL BROWN.

To His Excellency Gov^r HENRY.

Patrick Henry to Colonel Samuel Brown.

COUNCIL CHAMBER Aug^{t} 11. 1785.

SIR: Your letter giving an account of the death of Colo. Lewis and the other gentlemen I rec'd, and laid it before the council. I lament the fate of these gentlemen, and have only to wish they had not gone over the Ohio. Let the survivors take this warning. For however government may be disposed to resent the slaughter of our worthy citizens, yet it must be remembered, that measures taken to do so for supposed injuries committed over the Ohio, cannot be justified.

I approve of what you have done in ordering the 25 men to the Point for protecting our people thereabouts; but cannot consent to keep any garrison there. I think if from appearances Hostilities are like to happen on this side of the Ohio, the people towards the Point had better move in. The men you have sent may assist to escort them to a place of safety. Meantime you must be vigilant in arranging and preparing for the general defense of your County upon the plan of the old militia law, the new act having never been in force in Greenbrier as yet. You will have particular orders from me when that change is to happen.

I desire to have frequent accounts from you concerning the state of affairs in your county, and am,

Sir, &c.

P. HENRY.

TO COLONEL SAMUEL BROWN: GREENBRIER COUNTY.

P.S. You will not send Expresses but when there occurs something of consequence to communicate.

Patrick Henry to the Delegates from Virginia in Congress.

VIRGINIA COUNCIL CHAMBER August 12th 1785.

GENTLEMEN: On considering the disadvantage suffered by this state on account of the unsettled condition of our continental account, I have thought it necessary to enquire into the business, and if possible to remove the obstacles that have prevented the final accomplishment of it.

In order to give you some general knowledge on the subject, I herewith send you a letter from Mr. Solicitor Woods, by which you will perceive his embarrassments and some of those of the Continental agent. How they are to be removed, Congress alone can determine. It is true perhaps that in many instances we may have departed from system. But suppose exact system had been preserved, and proper vouches kept for every article previous to Arnold's visit in 1781, we know these vouchers would have been lost with the other public Archives and papers at the seat of government which the chance of war threw into the hands of the enemy. The truth is that if the destruction of our public papers had not happened, but little of the present difficulty would have arisen, and I trust it is not possible for Congress to decide that no abatement is to be made in the rigorous demand of vouchers of which we are deprived by a *coup de main* of the enemy. In the case of an individual this would never be practised, and wherefore it ought, or can, in a case circumstanced as the present, no good reason can be assigned. It is well known that the great burden of the war towards its later stages fell on the southern states, and among these upon Virginia as the most considerable. The many and great efforts made by our country both to the south and west, cannot be forgot and need not be repeated by me. Besides these it is well known that on account of the accessible situation of our country, we were liable to attacks so sudden, as to prevent the observance of that system of accounting for expenses, which would have taken place, had these attacks been made in a measure less sud-

den and unexpected. And further I beg leave to observe, that in the state of exhaustion of this country in the time succeeding the loss of our papers, it was absolutely necessary to carry on the military operations by impressments, and in these you can easily see it is often times impossible to produce such vouchers as will discriminate the articles taken to be for continental uses. I do not make these observations with a view to obtain allowance of our claims as if they were altogether unsupported by proper vouchers, for it will be seen that in many instances such are ready to be produced. But I urge that from the nature of the case exactness ought not to be expected. Although it may be said truly, that in the beginning of the war expenses were incurred here in building galleys, &c. for purposes not Continental, yet it must be admitted that in the more advanced periods of the contest, all our operations were directly aimed at the common enemy, whose efforts called for increasing opposition and expense.

I take the liberty just to mention that if no better mode of reckoning can be found, recourse may be had to certain historical facts, by which it will appear that at sundry times this country was attacked by numerous bodies of Indians, against whom great numbers of militia were called out; that at other times we were invaded by British troops, to repel whom we were obliged to raise, arm and embody great numbers of our people; that over and above our Continental requisition, frequent demands were made on the state for occasional aids, which were always complyed with, to the utmost of our abilities. Explanations and detail can be afforded in most instances, but I only sketch out in general some such plan of settlement, which you will urge or not, according to your better judgment and understanding of the matter.

From a view of the whole affair, I am led to wish that Congress will take up our claims upon a footing more liberal than that to which their present commissioners are restricted. To refuse this, is to reject our claims to such an extent as will greatly injure Virginia. It is not for me to

describe the powers with which the Continental commissioners ought to be invested. The wisdom of Congress, while guarding against injustice to the United States, will easily suggest the means of doing justice to the exertions of a state, that on all occasions gave proofs of the most zealous attachment to the general good.

I doubt not you will take the earliest opportunity of bringing this affair before Congress, in order that the result may be laid before the Assembly at the first of their meeting.

I am &c.

P. HENRY.

To the HON. DELEGATES FROM VIRGINIA IN CONGRESS.

Thomas Jefferson to Patrick Henry.

PARIS, August 23rd 1785.

SIR: I was honored yesterday with your Excellency's letter of June 16th enclosing the resolutions of Assembly relative to the bust of the M. de la Fayette. I shall render cheerfully any services I can in aid of Mr. Barclay for carrying this resolution into effect. The M. de la Fayette being to pass into Germany and Prussia it was thought proper to take a model of his bust in plaster before his departure. Mons. Houdon was engaged to do it and did it accordingly. So far Mr. Barclay had thought himself authorized to go, in consequence of orders formerly received. You will be so good as to instruct me as to the monies hereafter to be remitted to me—whether I am to apply them solely to the statue of General Washington, or to that and the Marquis's bust in common, as shall be necessary. Supposing you wish to know the application of the monies remitted from time to time, I state herein an account thereof, so far as I am able at present. Before your receipt of this letter I am in hopes mine of July 11, by Mons'r Houdon, will have come

to your hands. In that I inclosed you a copy of the contract with him.

I have the honour to be with due respect,
Your Excellency's most obedient,
and most humble serv't, &c. &c.
THOS. JEFFERSON.

His Excellency, Gov^r HENRY.

ACCOUNT.

			Livres.	Sous.	Livres.	Sous.
1785. Apr.		Received of Laval and Wilfelsheim on Alexander's bill			8957.	11
1785. Mar.	11.	To p^d portage on Gen^l Washington's picture from L'Orient...	13.	8		
" Ap.	16.	To p^d for frame to do.....	51.	0		
" July	18.	To p^d to Mon'r Houdon.....	10.000.	0		
" Augt.	13.	To p^d Houdon's bill on me for expenses.....	2.724.	6.6		
			12.788.	14.6		

Besides the above sums paid, I expect daily a bill from London for insuring 15,000 livres on Houdon's life.

I thought it best to insure enough to cover the expenses of his voyage, as well as the sum to be given his family in case of his death, this at 5 per cent. will be 750.0–0 Livres.

On his arrival at Philadelphia he is to draw on me for money enough for his expenses going, staying and returning. We conjectured there would be about 5,000 livres in the whole, but 2,724–6–6 being paid, the residue would be 2,275–13–6.

There is due to him for the model of the busts of the M. de la Fayette in plaster, I imagine, about 750.0–0.

The two first of these sums I expect I shall have paid by the time this letter gets to hand, and I shall pay the third if demanded. These added to 3,831 livres 3 sous 6 den., already in advance, as will be seen above, will amount to

between seven and eight thousand livres. Houdon, on his return, will also expect an advance for the two busts of M. de la Fayette.

Thomas Barclay to Patrick Henry.

PARIS, August 23, 1785.

SIR: I had the honor of receiving by the last packet the letter which you wrote me the 16th of June, together with the resolutions of Assembly respecting the Busts of the Marquis de la Fayette, and I beg leave to assure you that my best endeavors shall not be wanting to accomplish matters agreable to your wishes. Mr. Houdon, who embarked for America with Dr. Franklin, made a considerable progress in executing the first Bust that was ordered, but the Marquis being at present in Prussia, the matter must rest untill he and Mr. Houdon return. I think it will be better that the same person complete both busts; the more so as he is at the top of his profession. The cost of each will be 3,000 Livres, and I have paid Fifty Louis d'ors for the purchase of the marble for the first.

The pattern Fusil from St. Etienne is come, and I think it unexceptionable save an error of 1⅛ Inch in the length, which will be rectified in another. It was furnished by the persons who supply the best arms for the use of the King's troops, and if we agree with them the price must be what his majesty pays. . . . The difference between the gun being mounted with steel and brass will be 20 sols each, so that the whole expense of Gun and Bayonet may be supposed 26-10 sols. This is a high price, but M. Jefferson and the Marquis de la Fayette join in opinion that the very best arms ought to be sent out. . . . The ramrods will be steel instead of iron, the latter being totally rejected at the present in this country and not cheaper, and the length of the guns you order is exactly ½ of a french inch shorter than those used by the French army. The Marquis

de la Fayette is of opinion that each cartridge box ought to contain 36 cartridges, but I do not think that we can make such a deviation from the instructions which are for twenty. . . . If you pursue the Idea of arming the state generally, you may possibly in the future, make some alterations in your instructions. . . . I have written to Liege for 2 Fusils, as a model of what can be done there. I saw the arms they were making, about three years ago, for the use of the Grand Seignor, and I think from thence some might be procured considerably cheaper than at this place, and, if made on purpose, would be very good; but of this you will Judge when you see the workmanship of the model, which I shall send out to you.

I have the honor to assure you of the great respect with which I remain, &c. &c.

THOS. BARCLAY.

To His Excellency, Gov^{r} HENRY.

Andrew Ellicott to Patrick Henry.

Aug. 24th, 1785.

SIR: On the 23d of this month we compleated the boundary line between the states of Virginia and Pennsylvania. The line is a true astronomical meridian, extending from the S. west corner of Pensylvania to the river Ohio, and in length nearly 64 miles. The work is executed to an uncommon degree of accuracy, and by the good management of Mr. Nevil, with much less expense than commonly attends undertakings of such magnitude. . . . . For particulars I must refer you to Collo. Nevil, who, I expect will wait upon you in the course of a few days. I have not charged anything for my expenses home, nor included in my account more than 6 days for my journey to Baltimore, which cannot be performed in less than 12. On my return home I intend verifying and publishing the ob-

servations which we made use of to determine the five degrees of longitude last season, and there used to obtain the direction of the meridian which bounds the two states.

I have the Honour to be,

Your Excellency's H'ble serv't, &c. &c.

ANDREW ELLICOTT.

To His Excellency, GOV^R HENRY.

Patrick Henry to James Bowdoin.

VIRGINIA COUNCIL CHAMBER, Aug. 25, 1785.

SIR: Your Excellency's favor of 20^th ulto, I have received to-day, together with the resolutions of your assembly, and an act for regulating trade.

It is with great pleasure that I shall from time to time communicate to you the acts and proceedings of our Assembly, as you desire, together with such other matters occasionally as may in any manner effect the interest of your commonwealth, to which as a member of the confederacy I bear the most sincere regard.

In one of the resolutions transmitted, I observe the Assembly direct an expostulation to such states as have passed acts affecting the commerce of your state, and a desire that they may be repealed. My recollection does not furnish me any instance of such an act in our code. And I am therefore at a loss to know what it is that has given rise to the suggestion.

If your Excellency will be pleased to be explicit as to the object to which the resolution points, I am confident our Assembly will take the earliest opportunity to manifest their regard to your Commonwealth by removing every just cause of offence.

I am sir &c.

P. HENRY.

His Excellency, THE GOV^R OF MASSACHUSETTS.

Joseph Martin to Patrick Henry.

CHOTEE, Sep. 19th, 1785.

In accordance with my instructions, I have paid every attention to the Indians since my return from Charleston in July last. I have never seen them in greater confusion than at present. I have had several meetings with them, but the death of my old friend, Oconstota, has deprived me of much influence. The delay in forming a treaty, and the encroachments upon their lands caused great anxiety among them. "The old Tassel" has informed me that the Wyandot chiefs said the six nations were at peace with Virginia, but all the other tribes were hostile; that the Shawanese had gotten the promise of assistance in moving against Kentucky this fall, from all the different Tribes, and that they intended to attack the frontiers of Virginia also; that the former were to remain quiet until the arrival of their western allies, when runners would then be sent to the Cherokees, Chocktaws, Chickasaws, and Creeks with the war hatchet. But I think this move will not succeed, in as much as these latter have been well satisfied since I divided all the goods remaining in my hands equally among them. I apprehend the Chickamoggas will accept the war hatchet, but I will set out on to-morrow for that quarter, and will neglect no effort to keep them in a good humor until the time for the proposed general treaty in October and November next. For the news from Pensicola I refer you to Mr. McDonal's letter, which I inclose. I have with much pains and difficulty, opened a correspondence with him. He was an agent for the crown of Great Britain through the course of the last war. He now resides at a large Indian town, 25 miles south from Chickamogga, deals at Pensicola, has great influence over the Indians in that quarter, and in case of war with the Spaniards might be very serviceable or very dangerous. I flatter myself that with his assistance I can furnish your Excellency with the earliest and best intelligence from that quarter.

As a conveyance from here to Richmond is very uncertain, I have furnished Gen'l Russell with all the intelligence from this quarter, and requested him to send such as may be worth your Excellency's notice.

I have the honor to be with great respect,
Your Excellency's most humble and
most obt servant, &c. &c.
Jo^{s}. Martin.

To His Excellency Patrick Henry,
Gov^{r} of V^{a}.

Joseph Martin to Patrick Henry.

Chotee Sep. 19th 1785.

Sir: As I am informed Colo. Arthur Campbell informed your Excellency that I was an officer in the new state, I beg leave to assure your Excellency that the report is vague, and that no earthly thing shall prevail on me to neglect my duty as agent for the state of Virginia, so long as I have the honor to fill that office. True it is the Assembly of Franklin, as they called themselves, elected me one of their privy council which I refused to accept. Colo. Campbell made use of many arguments to draw me over to that party, by saying he wondered I would not join them as it would be much to my interest, as I had a body of valuable lands in Powels valley; that as soon as the new state would take place I might have a county laid off there and the Courthouse on my land, and convenient to the seat of government. My reply to him was that as long as I appeared in public character, I did not look altogether at private interest; that I was in every sense of the word against a new state; which was the last conversation we ever had on that subject. The people in the new state are much divided. Several of their members refused at their last assembly to take seats. They have attempted to get the representatives from these towns, I suppose, to augment their numbers, as they might have a representation in Congress, but that

attempt was baffled. Their number I cannot ascertain at present, but expect in my next to be more particular,

I am your Excellency's mo. Humble and mo. obt. servant, &c. &c.

Jos. MARTIN

His Excellency Gov^{r} HENRY.

Benjamin Franklin to Patrick Henry.

PHILAD^{a} Oct. 8. 1785.

SIR: After congratulating your Excellency, as I do most sincerely, on the continued Respect and confidence of your Country, manifested by their placing you again in the Chair of Government over them; I beg leave to trouble you with a little Affair that relates to myself. When I went to France, I left here a quantity of Printing Letters, which my Attorney, Mr. Bache, tells me were sold to your state for public use; but no Agreement was made ascertaining the value, he being unacquainted with it. All the Accounts I had of the original cost, as well as of the quantity, which was bought in Parcels at different times and of different Persons, are lost; so that I know not how to make a charge for them; especially as they were not weighed nor any Inventory made of them, nor of the other Printing Utensils delivered with them. As this Transaction pass'd under your former Administration, what I now request is, that your Excellency would require of the Printer who received them an Account of the weights of the types, expressing the different kinds (because they are of different Prices), and also a list of the other things that accompanied them. When I have obtained such an account from him, I shall be able to make out mine; and I doubt not your kind Assistance in procuring the Payment.

With great Esteem and respect, I am

Sir,

Your Excellency most obedient & most humble Servant,

B. FRANKLIN.

His Excellency PATRICK HENRY, ESQ.

Patrick Henry to Oliver Pollock.

COUNCIL CHAMBER October 12th 1785.

SIR: Your letter addressed to Mr. Randolph was this day presented to me. I think it would be much to your interest to come on to Virginia, so soon as you receive this, as you will then have time to get your accounts settled, and lay them immediately before the Assembly, who alone can determine at what time any farther payment can be made. I am sorry that I cannot authorize you to draw a bill on the treasury for the hundred pounds proposed to be advanced you, for your support, whilst attending to the adjustment of your affairs at Richmond. The only fund on which any warrant can be drawn in your favor, will not be in cash earlier than the 30th of December, tho' these warrants can be very readily negotiated here.

I am, &c.

P. HENRY.

OLIVER POLLOCK, ESQ. Philadelphia.

Patrick Henry to George Washington.

RICHMOND, October 14th 1785.

DEAR SIR: I beg Leave to introduce to your acquaintance —the Bearer, Capt Lewis Littlepage, who wishes for the Honor of being known to you. I have no Doubt but the merits of this young Gentleman will render him agreeable to you. I have spent some little time in his Company very happily, & feel myself Interested in his future Welfare.

As soon as the Report concerning the intended Water communication with Carolina is made, I shall certainly communicate it to you. I expect it now daily.

With the highest Regard & Esteem,

I am,

Dear Sir,

Your very obedient Servant,

P. HENRY.

GENL WASHINGTON.

Patrick Henry to the Speaker of the House of Delegates.

COUNCIL CHAMBER, October 17th, 1785.

SIR: Since the last session of assembly, I have received sundry acts, resolutions and other communications from congress, which I transmit to the General Assembly marked No. 1, and which will claim the attention of the legislature, according to their nature and importance, respectively.

The execution of the militia law hath caused much embarrassment to the executive. Compelled to name all the field officers through the state, and possessing sufficient information as to the fitness of individuals for these offices in a few counties only, they were constrained to search out proper persons by such means as accident furnished, and by letters addressed to the several counties. In some instances the gentlemen to whom they were addressed refused to give any information. In many others the answers came too late to avail; the law directing the commissions to issue the first of April. In this situation the business has been conducted; and from a partial knowledge of characters in some counties, and a total ignorance of them in others, I am sensible many who are worthy of command have been passed by, and others less fit for office may have been commissioned. And notwithstanding a close attention has been given to this business, many of the counties have not yet been officered, for want of the recommendations of the captains and subalterns.

Finding that the arms and ammunition directed to be purchased could not be procured except from beyond the sea, application has been made by me to Mr. Jefferson and the Marquis de la Fayette, requesting their assistance to Mr. Barclay, (who was commissioned to make the purchase,) in accomplishing this important work; and I have the satisfaction to find, that the affair is in such a train as to promise the speedy arrival of these much wanted articles. For more full information respecting this transaction, I send you sundry letters, (No. 2,) by one of which you will see

that our noble friend the Marquis offers us his services if there shall be occasion for them.

I transmit, herewith, a letter from the honorable Mr. Hardy, covering a memorial to congress from sundry inhabitants of Washington county, and praying the establishing of an independent state, to be bounded as is therein expressed. The proposed limits include a vast extent of country in which we have numerous and very respectable settlements, which in their growth will form an invaluable barrier between this country and those who, in the course of events, may occupy the vast plains westward of the mountains, some of whom may have views incompatible with our safety. Already the militia of our state is among the most respectable we have: and by these means it is, that the neighboring Indians are awed into professions of friendship. But a circumstance has lately happened, which renders the possession of that territory at the present time indispensable to the peace and safety of Virginia: I mean the assumption of sovereign power by the western inhabitants of North Carolina.

If these people, who, without consulting their own safety, or any other authority known in the American constitution, have assumed government, and while unallied by us, and under no engagements to pursue the objects of the federal government, they shall be strengthened by the accession of so great a part of our country, consequences fatal to our repose probably will follow. It is to be observed that the settlements of this new society stretch on to great extent in contact with ours in Washington county, and thereby expose our citizens to the contagion of that example, which bids fair to destroy the peace of North Carolina.

In this state of things it is, that variety of informations have come to me stating that several persons, but especially Col. Arther Campbell, have used their utmost endeavors and with some success, to persuade the citizens in that quarter to break off from this commonwealth, and attach themselves to the newly-assumed government, or erect one, distinct from it. And in order to effect this purpose the

equity and authority of the laws have been arraigned, the collection of the taxes impeded, and our national character impeached. But as I send you the several papers I have received on that subject, I need not enlarge further than remark, that if this most important part of our territory be lopped off, we lose that barrier for which our people have long and often fought, that nursery of soldiers from which future armies may be levied, and through which it will be most impossible for our enemies to penetrate: we shall agrandize the new state, whose connections, views, and designs we know not; shall cease to be formidable to our savage neighbors, or respectable to our western settlements, at present and in the future.

While these and many other matters were contemplated by the executive, it is natural to suppose, the attempt for separation was discouraged by every lawful means; the chief of which was, displacing such of the field officers of the militia, in Washington county, as were active partizans for separation, in order to prevent the weight of office being cast in the scale against the state: to this end a proclamation was issued, declaring the militia law of the last session in force in that county, and appointments of officers were made agreeable to it.

I hope to be excused for expressing a wish, that the assembly, in deliberating on this affair, will prefer lenient measures in order to reclaim our erring fellow-citizens. Their taxes have run into three years' arrear, and, thereby, grown to an amount beyond the ability of many to discharge, while the system of our trade has been such as to render their agriculture unproductive of money; and I cannot but suppose, that if even the warmest supporters of separation had seen the mischevious consequences of it, they would have retracted; and condemned that intemperance in their own proceedings, which opposition in sentiments is too apt to produce.

A letter from the Countess of Huntington and another from Sir James Jay, expressing her intentions to attempt the civilization of the Indians, are also sent you. It will

rest with the assembly to decide upon the means for executing this laudable design, that reflects so much honor on that worthy lady.

By a resolution of the last assembly, the auditors were prevented from liquidating the claims of the officers and soldiers, after the first day of May last. Although the wisdom of such a measure must be admitted, yet several cases have come to my knowledge where claims, founded upon the clearest principle of justice, have been rejected by reason of that restriction; and when I consider that the claimants will be found to consist, in considerable degree, of widows, orphans, and those who have been taken prisoners, I am persuaded the assembly will think that a rigorous adherence to the forementioned resolution is improper, and that justice will be done to the claims of those few, whose poverty, ignorance, or other misfortunes, prevented earlier applications.

By Mr. Ross's letter, No. 5, the assembly will observe his demand against the state, and that it can be properly discussed only by the legislature. Although the post at Point of Fork has been long occupied, I cannot discover the least trace of title to the ground vested in the public, or any previous stipulation with the proprietor for the temporary possession of it. While the assembly are considering of a proper satisfaction to the owner for the time past, I trust provision will be made to secure a permanent repository for the public arms and military stores at that, or some other place most proper for the purpose.

The honourable William Nelson hath resigned his office as a member of the council, as appears by his letter, No. 6.

The honourable Henry Tazewell, Esq., has been appointed a judge of the general court in the room of the honourable B. Dandridge, Esq. deceased, until the assembly shall signify its pleasure.

The honourable George Muter, Esq., has been appointed a judge of the general court in Kentucky, in the room of Cyrus Griffin, Esq., who resigned his appointment.

Thomas Massie, Esq., having resigned his appointment

for opening a road on the northwestern frontier, Joseph Neville, Esq., has been appointed in his room.

The report of the commissioners for disposing of the Gosport lands, No. 9, will explain to the assembly their transactions in that business.

Mr. René Rapicault, of New Orleans, exhibited an account against this commonwealth for a considerable sum of money which appears to be due to him. But as it will be found by reference to his papers, No. 10, that this debt, however just, cannot be paid from any fund now existing, it is submitted to the legislature to make such provision for its payment as to them shall seem proper.

The report of the commissioners for extending the boundary line between Virginia and Pennsylvania, No. 11, will explain the manner in which that business has been executed. By Mr. Jefferson's letters it appears, that the original sum granted to procure a statue of General Washington will be deficient. The further sum wanting, together with the reasons for increasing the expense of the work, will appear by Mr. Jefferson's correspondence, No. 12.

The crews of the boats Liberty and Patriot were ordered to be enlisted for twelve months from August last, unless sooner discharged. This was done in order that the assembly might, if they judged proper, determine to discontinue them, or if they are retained, make suitable provision for their support; hitherto, that has been defrayed out of the contingent fund. But the great variety of expenses charged on that fund, make it necessary, in future, to provide some mode of support for them. The assembly will no doubt, observe in the course of their deliberations on the subject of revenue, that it is necessary for the executive to commission the officers. The officer commanding one of these boats has detected several persons attempting to evade the payment of duty, and in compliance with the law, as he supposes, took bonds for the payment of the penalties imposed for making false entries. But it seems there are great difficulties in recovering judgment on these bonds, owing to ambiguity in the law respecting the subject. The

assembly will apply such remedy for this evil as they think proper.

Application hath been made to the executive, on the subject of paying into the continental treasury warrants for interest due on loan office certificates, and other liquidated claims against the continent. And although there can be no doubt that payments made by the treasurer to the continental receiver, may include the proportion of warrants specified by congress in their act of April 28, 1784, yet the receiver, when possessed of the cash, although it was unaccompanied by any warrants, does not conceive himself justified in parting with any money in exchange for them.

So that until the assembly shall interpose, by making these warrants receivable at the treasury, our citizens will suffer great injury, and be deprived of a facility enjoyed by the citizens of the other states.

The sum of money allowed by the assembly in their resolution of June 13, 1783, for compiling, printing, and binding the laws, has proved inadequate to the purpose; five hundred pounds having been expended in the printing, and two hundred and fifty engaged to be divided among the gentlemen who made the compilation; so that nothing is left to pay for the binding. I cannot forbear informing the assembly, that many county courts have failed to recommend sheriffs in the month of June and July. In consequence of this, many of the counties will be without sheriffs, in as much as the executive think that they have no power to issue commissions in such cases. As this evil threatens so many parts of the state with anarchy, I have no doubt of the legislature remedying it with all possible despatch.

I have the honour to be with great regard,

Your most obedient, humble servant,

P. HENRY.

The Honourable, THE SPEAKER OF THE HOUSE OF DELEGATES.

James Bowdoin to Patrick Henry.

BOSTON October 18th 1785.

SIR: I have had the honour of receiving your Excellency's letter of the 25th August last, and agreeably to your request will explain to you the object to which the resolution of the general court lately transmitted to your Excellency, and referred to in your letter, is pointed. One of the states had passed an Act laying duties on foreign goods imported from any of the United States, while the same goods imported immediately from foreign countries were not chargeable with such duties. By the same act duties were also laid on rum, loaf sugar and several other articles which are manufactured in this commonwealth. A preference thus given to Foreigners, to the prejudice of the United States or either of them, appeared extraordinary. This Commonwealth felt itself affected both as a member of the Confederacy, and as an individual state charged with duties on its own manufactures whereby its citizens would probably be prevented from vending them to the citizens of a Sister State. The measure appeared the more grievous because the laws of the commonwealth require no duties on the manufactures of any of the United States, and their citizens respectively, are, in point of commerce on a footing here with our own. The Act afore mentioned gave rise to the resolution. Your Excellency will perceive it must particularly apply to that state. Accordingly an expostulatory letter was addressed to that state only. But as it must, in the opinion of every one be a matter of the utmost importance to the United States, that each of them should carefully avoid taking measures which might give just cause of offence to others, and tend to the interruption of that harmony and mutual good will upon which the general safety and welfare depends, I took the liberty to inclose it to the several states, being fully persuaded that if any of them should think proper to revise their commercial laws, and should thereupon observe an instance of such

a nature and tendency, it would be altered or repealed. I flatter myself your Excellency will not think my motive improper. It will eventually afford me the happy occasion of laying before the general court your letter, expressing in very obliging terms your own most sincere regard for this Commonwealth, and an assurance of the readiness of your assembly to manifest the same friendly disposition towards us on all proper occasions. I may venture to assure your Excellency that a similar disposition towards Virginia and every branch of the confederacy prevails in the government and people of this commonwealth. As I understand your assembly will meet the next month, I hope soon to be honoured with another letter from your Excellency acquainting me that the subject of mine of the 28th July, has been considered by that honourable body, and that the measures taken by our general court have met with their concurrence, or that such other measures, as their wisdom may have dictated have been adopted by them, whereby designs of the British Court unreasonably to control our trade, may be counteracted and frustrated.

I am with cordial Esteem and Respect,

Your Excellency's most obedient and
very humble Servant, &c.

JAS BOWDOIN.

To His Excellency GOVR HENRY.

Patrick Henry to the Treasurer of Virginia.

COUNCIL CHAMBER Oct. 20th 1785.

SIR: It is with great concern I find that the citizens of this state have not been availed of the facilities proffered by Congress, in the payment of their taxes. I have had sundry communications with Mr. Hopkins, the Continental receiver, from which the result is, that no money in his hands will be exchanged for the warrants for interest on Loan office certificates, and other liquidated debts from the

Union. As our laws now stand, it is apprehended the treasurer cannot withhold the cash he receives, from the Continental coffers; and it is probable you may have in contemplation the paying some money to Mr. Hopkins for the use of the Union, by which a further injury will accrue to the State. I have to recommend to you, to withhold such payment, until the Assembly shall have an opportunity to express their sense on the subject.

It is not without mature consideration, that the Council have advised me to recommend this conduct to you, and a desire to procure every easement to our citizens consistent with justice, is the only motive which has led to it.

I am &c.

P. HENRY.

To the TREASURER OF VIRGINIA.

George Washington to Patrick Henry.

MOUNT VERNON Oct 29th 1785.

DEAR SIR: Inclosed I give your Excellency the trouble of receiving an official letter from me, which I beg the favor of you to lay before the General Assembly. Your letter enclosing the appointment of Col. Neville, in the room of Majr Massey, came duly to hand, & the letter was forwarded by a safe conveye. I have never yet seen the report of the Commissioners for examining the best course for a cut between Elizabeth River & the waters of Nº Carolina—Your Excellency was so good as to offer me a copy of it, but the matter has either slipped your memory, or the letter which contained it has miscarried—With respectful compliments, in which Mrs Washington joins me, to Mrs Henry—& with very great esteem & regard, I have the honr to be

Dear Sir,

Your most obed Hble Servt

G. WASHINGTON.

His Excelley Govr HENRY.

Patrick Henry to George Washington.

RICHMOND Nov. 11th 1785.

DEAR SIR: The post yesterday brought me your Favor. That which was Official I have just sent down to the Assembly. The result shall go to you as soon as I get it—The report concerning the Intended Canal I could not send you 'till now,—having obtained a Copy of it only Two Days ago. Mr. Andrews tells me the Comrs could not take a very particular view of the Ground, having gone to it shortly after the great storm which happen'd in Sepr. But it seems universally agreed that the Cut ought to go from Pasquotank thro' the Dismal as reported. I understand opposition will be made to this useful undertaking by some people in Carolina & that it will be usher'd forth under the Guise of public Spirit, taking alarm at a measure which will place the trade of that Country in a situation of Dependence upon the Will & pleasure of this. To obviate such Cavils I have recomended to some Friends of the Scheme to preface the Act proposed to be passed on the subject with a Declaration, in the clearest terms, that the benefits resulting shall be reciprocal to both States, & that a Conference be offer'd to hear & refute objections. I am apprehensive that the measure may not be bro't forth into Discussion with the advantages that could be wished, & the nature of it Requires: The men of Business in the House being generally unacquainted, & in some measure inattentive to it. I think a line from you on the subject, if the Report has yr approbation, would have a good effect. If success Can be given to this navigation, & at the same time to that of Potawmack & James River, great Things must result; And indeed nothing more is necessary in this Canal business, than giving a proper Direction to the Efforts which seem ready for Exertion.

Mr. Andrews further tells me he thinks some Locks necessary for the Southern & another for the northern end of the Canal for letting out & in the Vessels &c. & that the

Waters of the Lake will be sufficient for a constant Supply to the Canal. I wish the Report had been more particular, but such as it is I inclose it to you & will be much obliged by y^r^ observations on the subject. M^rs^ Henry's compliments with mine are respectfully presented to yourself & your Lady, & with the most sincere attachment I remain dear Sir,

Your most humble servant,

P. HENRY.

To His Excellency GENERAL WASHINGTON.

Patrick Henry to the Speaker of the House of Delegates.

COUNCIL CHAMBER Nov. 14, 1785.

SIR: Several months ago Colo. LeMaire apply^d^ to me for a Recompense for the Services he has done the State. In enumerating these he stated many Facts referring to the Journals and Proceedings of the Executive. But from the Loss of these they can not be ascertained so particularly as I would wish. It is recollected however that he went to France—that he spent much time there in procuring Arms & military stores for the use of this State—that the Executive engaged to give him a suitable Reward, the particulars of which he did not stipulate, chusing to leave it to Government after he had rendered the Service. He was an old Officer in the Army of France, which he left in order to come here; and in Justice to him I must say he has shown great Zeal and Attachment to the Interest of this Country, & I believe has suffered considerable Losses on that Account.

The sum of one hundred & seventy pounds has been advanced to him since his last arrival here for his support, and as it appeared he was like to lose the Lands which the Government had taught him to expect, and which promised to be the most substantial part of his Reward, he was as-

sured his case should be laid before the General Assembly.

This I beg leave now to do through you, Sir, as there is no Fund which can be appropriated to reward him according to the merits of his claim.

With great regard I am, Sir,

Your most humble Servant,

P. HENRY.

The honble BENJA. HARRISON, ESQ.
Sp. of the House of Delegates.

John Langdon to Patrick Henry.

PORTSMOUTH, NEW HAMPSHIRE, November 16th, 1785.

SIR: I have the honor to inclose your Excellency a vote passed by the legislature of this state at their last session, in which I am desired to write to the several Executives in the union, and request to know whether their assemblies have, or are like to join with this state, and Massachusetts in their commercial opposition to great Britain. Whether they have empowered Congress to regulate Commerce, or have passed or probably will pass acts similar to those enacted by this, and the Massachusetts state in June last, respecting navigation and commerce.

I also enclose your Excellency a copy of our navigation Act, mentioned in the enclosed vote; which is similar to one passed by Massachusetts: and agreeable to the desire of our general court, request that you would be pleased to send an answer to the several questions contained in the said vote, so far as it relates to your state, and any other information, relative to commerce, that you may think useful to this or the United States.

This state also passed an act in June last, impowering congress to regulate their commerce for fifteen years. It appears to me of the highest importance to the union of these states that their commerce should be regulated by Congress: was that body vested with full power for this

important business, I have no doubt but that many of the difficulties, and embarrassments which we now labor under would soon be removed. I have the honor to be, very respectfully, Your Excellency's most obedient servt,

JOHN LANGDON.

His Excellency THE GOVERNOR OF THE STATE OF VIRGINIA.

Patrick Henry to the Speaker of the House of Delegates.

COUNCIL CHAMBER, Nov. 17, 1785.

SIR: Certain persons from the coast of Barbary are now in this city. There appears ground to suspect them of designs unfavorable to this country. And upon considering the power of the Executive in relation to characters falling under such suspicions, there seems to be a doubt whether enquiry which is necessary to establish facts can be made under the sanction of any existing law, or whether after good cause for apprehension appears, any law warrants it.

In a matter where the public safety is concerned, it seems necessary that the power possessed by the Executive should be expressly defined, and if it is the wish of the Assembly that a power to arrest dangerous characters coming from abroad, should be vested in that body, I should be very glad if they would be pleased to signify it in the way which is most proper.

I am, &c., P. HENRY.

To the SPEAKER OF THE HO: OF DEL:

George Washington to Patrick Henry.

MOUNT VERNON Nov. 30th, 1785.

DEAR SIR: I have had the honor to receive your Excellency's favor of the 11th, and am much obliged to you for the commissioners' report respecting the cut from the waters of the Elizabeth River to those of the Albemarle Sound.

And it is with great pleasure I have since heard that the matter is in a prosperous way in our assembly, and placed on a footing (reasonable and just I think) which is likely to meet the approbation of the legislature of No. Carolina.

It has always been my opinion, since I first investigated the great Dismal Swamp as a member and manager of that company, that the most advantageous cut would be found to be through Drummond pond to the head of Pasquetank, and I have surveys and notes which prove this I think incontestably.

Mr. Andrews's conjectures with respect to locks, I conceive is justly founded; for if the bed of the lake is above the level of the water of Elizabeth River and Pasquetank, the reflux by means of the canal being greater than the influx must undoubtedly drain the pond, and render it useless as a reservoir without these locks. But the places at which it may be proper to establish them must, I should suppose, depend upon the level and suitableness of the ground to receive them after the cut is made, which should be begun at the extreme ends that the water may run off (and if with any velocity) contribute to the work.

If this cut is effected, the obstructions in the Roanoke removed (which will most assuredly follow) and the inland navigation of the rivers James and Potomack compleated according to law, it will open channels of convenience and wealth to the citizens of this state that the imagination can hardly extend to, and render this the most favoured country in the universe. These measures only require a beginning to shew the practibility, ease and advantage with which they may be effected. Rappahanock and Shenandoah (the latter through a long extent of it) will follow the example, and I see nothing to prevent the two branches of York River from doing the same.

The consequence in the article of draught cattle alone, and to our roads will be inconceivably great. The latter with small amendment will always be in good order, when the present number of carriages are no longer tearing them to pieces in the most inclement seasons of the year, and the

ease to, and saving in, the former will be felt most interestingly by the farmer and planter in their annual operations.

But until these things are accomplished, and even admitting they were, do you not think, my good sir, that the credit, the saving, and the convenience of this country, all require that our great roads leading from one public place to another should be shortened, straitened and established by law, and the power in the county courts to alter them withdrawn? To me these things seem indispensably necessary, and it is my opinion they will take place in time. The longer therefore they are delayed the more people will be injured by the alterations when they happen. It is equally clear to me, that putting the lowest valuation upon the labour of the people who work upon the roads under the existing law and custom of the present day, the repairs of them by way of contract to be paid by assessment on certain districts (until the period shall arrive when turnpikes may with propriety be established) would be infinitely less bothersome to the community than the present mode. In this case too the contractor would meet with no favor. Every man in the district would give information of neglects. Whereas negligence under the present system is winked at by the only people who know how, or can inform against the over-seers. For strangers had rather encounter the inconvenience of bad roads than the trouble of an information, and go away prejudiced against the country for the polity of it. With great esteem and respect,

I have the honor to be,
Dr. Sir,
Yr. most obed^{t} H^{ble} Serv^{t}.
GEO. WASHINGTON.

His Excellency GOV. HENRY.

Colonel Le Maire to Governor Henry.

RICHMOND, Dec. 3d, 1785.

SIR: As I allways have taken the welfare of your country at heart and being devoted to its service, I should be glad to manifest on every occasion that I still preserve the same sentiments. I fear the Algerines might trouble your coast. I fear some ill designed Brittons, Irish, Jersey, or Guernsey men, under the cloak of a barbarian with an Algerine commission, might molest the trade of the bay. As for the French, your faithful allys, you have nothing to fear. I beg leave to offer to your Excellency my services, and to propose you to command me to set off for France without delay, properly qualified and commanded to his Excell'y, Mr. Jefferson, in order to obtain of the court of France a Frigate for the use of the state of Virginia, which I will engage to procure at a reasonable price, payable some years hence. This Frigate I will make depart from Europe immediately for cape Henry with her guns, ammunition, &c., in the Hold, commanded by three French officers, and only so many men aboard, as if she was a merchantman. Immediately after her arrival the whole ship's company shall be dismissed and sent home in the King's packet at Norfolk. Then your Excellency will give the command to an American captain after your own choice, who will put her in order of defence, and enlist so many seaman as necessary for that purpose. Indeed I would offer myself for the task, as to the north there are plenty, and, in my opinion, it will be easy to engage them. Concerning the Frigate, I shall do my utmost endeavour to have her within the capes in four month's time, fitted out in a regular order, sails, rigging, &c. That nothing shall be wanting to stop her career, and if your Excellency thinks proper, I may bring in her the arms the Marquis de la Fayette has promised. As for myself, I ask nothing; to the contrary, I shall think myself perfectly happy to shew your Excellency my Zeal and my attachments for your country's cause, and

am at a minute's warning ready to obey your commands, and can have the honor to assure your Excellency, that by the protection I enjoy in my country and under your sanction, I cannot fail in my mission.

I have the honour to be with respect and esteem, sir,
Your Excellency's most obedient and
very humble
servant, &c., &c.
LE MAIRE.

His Excellency GOV^R PATRICK HENRY.

John Tyler to Governor Henry.

Dec^r 5, 1785.

SIR: I received your favor with the inclos'd papers relative to the funeral of our much lamented friend, Mr. Hardy, and am of opinion his relatives shou'd not be made acquainted with the circumstances any farther than the manner in which he was honor'd by his country. His father has been much injured by the war, his family is large, and such a sum as £150 would distress him greatly, as I know he would most certainly encounter any difficulty rather than not pay it. Surely a country blest with so great and good a man, both in public and private life, can never hesitate to discharge the expenses incur'd by their orders.

'Tis a tribute justly due to genius and merit that would be a fault to pass by unpaid; more over, when we consider the principle to be truly republican, and holding out inducements to the good and great, however indigent, to step forth in the public councils.

I am with sincere respect,
Your Excellency's most humble serv. &c., &c.
JOHN TYLER.

His Excellency PATRICK HENRY.

Patrick Henry to the Speaker of the House of Delegates.

COUNCIL CHAMBER Decem. 12, 1785.

SIR: By the papers which accompany this you will perceive that a considerable expense has been incured in the funeral of the late Hon'ble Mr. Hardy. I would have removed the embarrassment of our delegates on the subject of repaying the money due, by an application to the surviving friends of that gentlemen, but there are certain circumstances in the case which seem to render it improper.

When the nature of the transactions and the situation of Mr. Hardy's connections are considered, I have no doubt the Assembly will adopt such a conduct on this occasion, as will manifest a due regard to the merit of the dec'd gentlemen, and consist with propriety.

I am &c.

P. HENRY.

To the SPEAKER OF THE HO: OF DEL:

Patrick Henry to the Treasurer of Virginia.

COUNCIL CHAMBER Jan 16th 1786.

SIR: The board have carefully considered the resolution of Assembly directing no further payments to be made to foreign creditors, until Mr. Pollock has received a proportion of his debts equal to that which they have received.

It is evident that under the act empowering the Executive to apportion £30,000 among the foreigners, the absolute disposal of that sum was made by issuing warrants agreeably to the directions of the act. Nor can any subsequent *law* be supposed to retract it, much less a *resolution*. I am therefore to give it as the clear opinion of the Executive, that the warrants drawn on the foreign fund, before the date of Mr. Pollock's resolution, ought to be paid in preference to it.

If any small balance of the £30.000 remain not drawn for, I do not mean to comprehend that. It will remain for another discussion.

I am &c.

P. HENRY.

To the TREASURER OF VIRGINIA.

Patrick Henry to George Washington.

RICHMOND Jan 18th 1786.

DEAR SIR: Mr Oliver Pollock will have the Honor of delivering you this; & as he begs to be gratify'd in once seeing you, I take the Liberty of Introducing him to you.

Mr Wm Ronald who is a Delegate of considerable weight in the House, & who was one of the viewers of the Ground most proper for the Canal from Eliza: River to Albemarle Sound, was fully impressed with the Utility & Importance of the Scheme—& in order to save him & the other Friends of it some trouble, a Bill for establishing it was drawn & put into His Hands. He introduced it, & it had Two Readings & was committed early in the Session. The wife of that Gentleman dying at the Time, he was absent for near Two months; during which the Business has been totally neglected, notwithstanding repeated Intimations of its high Importance. Mr. Ronald is now just returned, but I fear too late to do anything effectual; & probably the appointment of a Commissioner to communicate with one from Carolina on the Subject, will be the utmost that can now be done.

More than one hundred Laws have been enacted at this Session, few of which can lay Claim to the public Regard so properly, as an Act on the Subject I allude to. What Pity that the three great objects you mention, of internal improvement, could not go on Hand in Hand to Completion!

I beg Leave to assure you of the high Regard & Venera-

tion with which I ever am, dear Sir, your most obedient humble Servant,

P. HENRY.

To GENERAL WASHINGTON
at Mount Vernon.
Fav[d] by M[r] POLLOCK.

Thomas Jefferson to Patrick Henry.

PARIS January 24[th] 1786.

SIR: I have been honored with your Excellency's two letters of Sept. 10[th], and that of Oct 14[th], 1785. The former was brought me by Mr Houdon, who is returned with the necessary moulds and measures for General Washington's statue. I fear the expences of his journey have been considerably increased by the unlucky accident of his tools, materials, clothes, &c., not arriving at Havre in time to go with him to America, so that he had to supply himself there. The money which you were so kind as to send by Capt. Littlepage, for the purposes of this statue, he found himself obliged to deposite in New York, to satisfy a demand made on him there. This was a debt which he owed to Mr. Jay. He assures me that in a settlement with his guardian the latter took credit for this debt, so as to be answerable to Mr. Jay for it, and of course to the state now that Mr. Jay is paid with the state's money. I mention this circumstance, that your Excellency may be enabled to take the earliest measures for recovering this money and indemnifying the state. Mr. Littlepage, to satisfy me, had obtained from the M. de la Fayette his engagement to stand bound as Mr Littlepage's security for the payment of this money, but knowing the punctuality and responsibility of his guardian, I did not suppose a security necessary. Besides, if a loss was to be incurred, I knew too well the sentiments of the state of Virginia towards the M. de la Fayette to suppose they would be will-

ing to throw that loss on him. I therefore acted as I thought your Excellency and the council would have directed me to act, could you have been consulted. I waited on the Marquis, and in his presence cancelled his name from the obligation which had been given me, leaving only that of Mr. Littlepage. I have now the honor to inclose you one of those instruments, duplicates of which had been given me by Mr. Littlepage. The first of the Marquis's busts will be finished next month. I shall present that one to the city of Paris, because the delay has been noticed by some. I hope to be able to send another to Virginia in the course of the summer. These are to cost three thousand livres each.

The agreement for the arms has been at length concluded by Mr Barclay. He was so much better acquainted with this business than the Marquis Fayette or myself that we left it altogether with him. We were sensible that they might have been got cheaper, but not so good. However, I suppose he has given you the details of his proceedings, so as to render them unnecessary from me. It will be eight months before they will be ready. The cause of this, too, Mr Barclay told me he would explain to you. It is principally to ensure their goodness. The bills remitted to pay for them have been honoured, and the money is lodged in Mr Grand's hands who was willing to allow a small interest for it.

An improvement is made here in the construction of the musket which may be worthy of attention. It consists in making every part of them so exactly alike, that every part of anyone may be used for the same part in any other musket made by the same hand. The government here has examined and approved the method, and is establishing a large manufactory for the purpose. As yet the inventor has only completed the lock of the musket on this plan. He will proceed immediately to have the barrel, stock and their parts executed in the same way. I visited the workman. He presented me the parts of 50 locks taken to pieces at hazard as they came to hand, and found them fit inter-

changeably in the most perfect manner. The tools by which he effects this have, at the same time, so abridged the labour, that he thinks he shall be able to furnish the musket two livres cheaper than the king's price. But it will be two or three years before he will be able to furnish any quantity.

I have duly received the propositions of Messrs. Ross, Pleasants & Co. for furnishing tobacco to the farmers general; but Mr Morris had, in the meantime, obtained the contract. I have been fully sensible of the baneful influence on the commerce of France and America which this double monopoly will have, I have struck at its root here, and spared no pains to have the farm itself demolished, but it has been in vain. The persons interested in it are too powerful to be opposed, even by the interest of the whole country. I mention this matter in confidence, as a knowledge of it might injure any future endeavors to attain the same object. Everything is quiet here and will certainly remain so another year. Mr Barclay left Paris a few days ago and will be absent from France for some time. I shall spare no endeavors to fulfill the several objects with which he was charged in the best manner I can.

I have the honour to be, with sentiments of the highest respect,

Your Excellency's most humble and
obedient servant, &c &c.

THO^{S} JEFFERSON.

To His Excellency GOVERNOR HENRY.

William Short to Governor Henry.

PARIS January 30th 1786.

SIR: Before I left Virginia I received twenty Guineas, by order of the Executive, to procure for them a copying-press. I immediately paid the money into the

hands of Mr Harrison, of Richmond, who was to have sent me a bill to that amount to Paris before my arrival there.

I have awaited that bill in vain until a few days ago, when it arrived. It is drawn at sixty days' sight, and consequently, there is yet near two months before it becomes due. Yet as an opportunity at present offers for London, and from thence to Virginia, I have determined to advance the sum received, and shall, perhaps, obtain the favor of the same person who furnishes this opportunity, to have the press made whilst in London and carry it with him to Richmond. If I find that this will be inconvenient to him, I shall commission Colo. Forrest, merch't of London, to this purpose, as London is the only place where these presses are to be procured in the best manner. They are not to be had at all in France, being forbidden to be imported by this government. Thus your Excellency may count with certainty on receiving this press soon, and I hope will not suppose that the delay hitherto has been occasioned by any inattention on my part to the orders of the Executive.

At the same time that I take the liberty of addressing your Excellency on this subject, I beg leave also to trouble you a little farther in presenting to your acquaintance the bearer of the present letter. It is Mr Lyons, a son of the Judge of that name. He is a young gentleman whom I had known at college, and of whom my good opinion is still increased by the additional acquaintance I have had the pleasure of forming with him here. He has spent some time at Edinburg in the study of Physic, and I think it probable will follow that profession at Richmond. As I am sure your Excellency will be pleased to protect a genius of so much merit as Mr. Lyons, and as I know I could not render him a more useful or more agreeable service than in introducing him to your acquaintance, I am happy to have this opportunity of evincing my esteem for him. I beg your Excellency's pardon for having given you this trouble, and beg you to be assured of those sentiments

of respect and attachment, with which I have the honor to be,

Your Excellency's
most obedient and most humble servant &c., &c.
Wᴹ Short.

To His Excellency Govʳ Henry.

P.S.—Feb. 6ᵗʰ Mr. Lyons sets off this morning for London, and the money rec'd on account of the Executive, to—wit: 20 guineas, (I red'c'd it to 466 Livres 13 Sols.,) is p'd to him, who promises to procure the press whilst in London and to carry the press with him to Virginia.

Patrick Henry to the Governor of Georgia.

Richmond Feby 23ᵈ 1786.

Sir: The General Assembly have appointed Edmᵈ Randolph, James Madison Jnʳ, Walter Jones, Sᵗ George Tucker, Meriwether Smith, David Ross, William Ronald, & George Mason Esquires, Commissioners to meet others from the different states in the Union at a time and place to be agreed on, for the purpose of framing such regulations of Trade as may be judged necessary to promote the general Interest.

I have to request your Excellency's attention to the subject, & that you will be pleased to make such Communications of it as may be necessary to forward the Views of the Legislature.

I am with great regard, yr Excellency's
most obed't. Serv't.

P. Henry.

His Excellency The Governor of Georgia.

Patrick Henry to Mr. H. Randolph, Auditor of Virginia.

COUNCIL CHAMBER March 24 1786

SIR: I am to desire you to state the accounts of the foreign creditors of the public, in order to make an apportionment or dividend among them respectively of the sum of forty thousand pounds, the amount to be this year issued to them. You will reserve out of M^r^ Beaumarchais's claim the amount of certain Iron artillery. The other part of his claim it is meant to pay in the same proportion with the other creditors generally.

You will observe that no preference to any of these creditors is to be given except to O^r^ Pollock, and to his case you will apply the resolution of the Assembly and govern yourself by it. It is desired that this statement should be ready by wednesday next.

You are to place Monsieur Chaumont assignee of Rene Peree as a creditor on the foreign fund for £820.17.0. with six per cent interest from 13, October 1778, & make the whole an aggregate sum, & for that, make him out his equal apportionment with the other creditors.

In cases where warrants have issued on funds which are discontinued, and the persons to whom they issued are transferred to the foreign fund, you will allow interest on the claims in the same manner as if warrants had not issued up to the 1^st^ of January last, taking care to cancel the warrants. I am &c.

P. HENRY.

TO H. RANDOLPH, AUDITOR OF V^A^.

Patrick Henry to the Governor of Delaware.

COUNCIL CHAMBER Mar 31 1786

SIR: I take the liberty to inform your Exc'y, that there is in the public goal, at this place, a certain William May, charged with a felony committed in this commonwealth.

The Attorney General has informed me, that there is doubt whether the proof against him will be sufficient to convict him. If it should be insufficient, the man will be liberated, according to the usual course of proceedings. This would give me concern, because M^r^ Oster, the Consul of France, has informed me that May was condemned to death in your state, for a robbery on certain Frenchmen I think—But whether that, or any other was his crime, I have thought it proper to inform your Excellency, that on a requisition from you, I shall order him to be dealt with as the Confederation requires.

It is necessary to lose no time, as there is a probability his trial will come on here as soon as the quickest conveyance can bring me your answer—With great regard

I am &c

P. HENRY.

To His Excellency THE GOV^R^ OF DELAWARE.

Patrick Henry to the Virginia Delegates in Congress.

RICHMOND May 16 1786

GENTLEMEN: The papers which accompany this will inform you of the sufferings which afflict our Western people. You will perceive, that harassed as they are, and exposed on all sides, it is impossible to defend themselves by the usual method of assembling the militia, and stationing them in or about the settlements. Experience clearly proves that attacking their towns is the only mode of effectual defence against hostile Indians. But in order to do this, it is necessary to obtain the sanction of Congress, except as it is excepted in the 6^th^ article of the Confederation.

I have written to the county lieutenants of the Kentucky counties to act according to the directions of our militia law & this article, until congress shall deliberate on the subject, and issue their orders respecting it. Perhaps it is

unnecessary for me to enlarge on a matter which no doubt is understood by you gentlemen. But I must observe that our people seem to be in such a situation, as to make an expedition against the Wabash Indian Towns necessary for their own preservation, and that it will probably take place. How extremely unjust it is that such a measure should go on at our expense, I need not prove to you, who so well remember the prodigious advances made by this state on similar occasions, and which it seems the agents of congress are averse to liquidate. To increase this debt is highly impolitic and ruinous, and to neglect the defence of fellow citizens distressing to humanity. In this painful suspense I must remain, until you can procure a decision of Congress, which I beg may come on to me as quickly as the pressing nature of the subject demands.

Cannot some method of expediting similar business in the Kentucky District be devised. To send to Richmond from thence is vastly inconvenient; but to add the circuit of New York is incompatible with the nature of things.

I must observe, and it is with much concern I am constrained to remark, the seeming neglect of Indian affairs, or their mismanagement. No treaty appears to have been made with the Wabash Indians, nor have I had any intimation that it has been attempted. If it has, I ought to have been informed of it, or of the hostile disposition of these savages, if they refused to treat. Agents for Indian affairs are absolutely necessary. You will readily see that without the aid of these, I can never make the arrangements necessary for defending the immense extent of frontier belonging to this state. Hostile designs will constantly be formed, matured and executed, before I have intelligence of them. That protection which is the best and grand object of social compact, is withdrawn, and the people thus consigned to destruction will naturally form associations, disgraceful as they are destructive to government.

In vain have I expected from the agents of Congress that intelligence of Indian affairs so essential to the peace and welfare of this country. And after you have obtained from

Congress their orders on the subject of the present distresses of Kentucky, and such arrangements as are necessary and proper to secure that place from the enterprizes of the enemy, I trust you will urge the necessity of appointing agents among such nations of savages as are most likely to disturb the peace of this commonwealth, and that they be instructed to correspond with the Governor here at all times, furnishing him with such intelligence as they may be able to collect.

I have written to his Excellency, the President, stating several matters which seem to me to have been passed over, or not duly attended to, in the department of business. I must beg your particular attention to it, as you know Virg[a] has as much, or more interest in the Indian department, than perhaps all the states in the Union besides. This necessarily arises from the vast extent of frontier, and the great number of independent tribes scattered over the western country, who claim a right of making peace and war each for itself. These circumstances make attention, address and dexterity, amongst these various tribes indispensable, as also a constant correspondence between the Governor of Virginia and the agents.

I need not further enumerate particulars shewing this preeminence of consideration respecting Indian affairs. It is a fatal one, and I wish it did not exist. Your knowledge of our exertions, expenditures, losses, and finally our cession to Congress, will supply whatever is proper to be added. The proper management of this business may be justly reckoned amongst the capital advantages of federal government to Virginia:

I am &c,

P. HENRY.

To the Hon. DELEGATES IN CONGRESS FROM V[A].

Patrick Henry to the President of Congress.

RICHMOND, May 16th 1786.

SIR: My Duty calls on me to state to you for the consideration of Congress the present situation of the Inhabitants of our Western Frontier, particularly those of Kentuckie—I have received undoubted Intelligence that the latter are attacked by the Indians on the Eastern, Southern & Western Borders of the District—In the hostilities lately begun & now existing much property and many valuable Lives have been lost there—The Wabash Indians appear to be the principal Aggressors, & I suppose the necessity of the case will enforce the people, for the purpose of self preservation, to go against the offending Towns—I have more particularly informed the Delegates for Virginia, now on the Floor of Congress, of these facts, & have requested them to move for such orders on the subject as the critical and forlorn condition of the People in that Quarter seems to render expedient.

But the particular occasion which causes to your Excellency the trouble of this, is to submit to your consideration, & to Congress, my apprehensions of the neglect or mismanagement which I am inclined to think has taken place in the Department of Indian Affairs—I mean among such of the Tribes as from their situation, & other circumstances, are most likely to disturb the peace of Virginia. Among these I reckon the Wabash Indians, who seem to have been passed over by the Agents of Congress; at least I have not been notified of any Treaty with them, or any attempt to treat with them. If indeed any attempt has been made, & it proved abortive, I am sure you will see that I ought to have expected Information of their refusal to treat. For with them such a Refusal is another name for War.

If your Excellency will be pleased to advert to the subject, it will be found that several of the Western Tribes have not acceded to that general peace which it seemed the object of Congress to establish with the Savages—And

wherefore it has happened, that the attention of those to whom this business was confided passed by several Tribes near our Frontiers, and went on to the Southern Department, I am yet uninformed—

Anxious as I must be for the peace & safety of the people of this Commonwealth, your Exc^{y} will excuse me for remarking the seeming inattention which appears in this Department of the Public Business—For it is certain that prudent attention to it would have either conciliated the savages, or given me Notice of a hostile Disposition among them—Instead of this the first Intimations to me on the subject are Murders & Depredations committed on our Citizens—To what extent these may be expected to go, either from the number or Disposition of the perpetrators, I am totally uninformed. Nor do I know of any Agent or Servant of Congress to whom I can apply for Information touching the probable extent or duration of the mischief—So that I am unable to give that protection to the sufferers which constitutes the most valuable article of the social compact.—While I am desirous of providing against future Evils of a similar nature, I hope for your Excellency's Excuse for suggesting the propriety & necessity of having Agents resident among the Indians—That these Agents be ordered to correspond with the Governor of Virginia, & give him every useful Intelligence—Without this it is vain to expect peace or safety for our frontiers—

I am far from claiming idle or vain pre-eminence to Virg^{a} when I say, it appears to me She has more at Stake as to Indian Affairs than any, or perhaps all, the States in the Union besides—The great extent of Frontier, & the numerous Small Tribes claiming an independent power of making peace or war and living in reach of our people, are the causes of this—In not a Single Tribe that I know of is there any person from whom I can expect Intelligence of Hostilities, which may be meditated & fully executed before I hear a hint of them—

You will pardon me then, Sir, if I express to you my uneasiness on the present situation of these Things—My Trust

is that the Congress in their wisdom will provide a remedy for these Evils, & prove the rectitude of that policy which vested that hon'ble Body with the management of the Business.

I am with high regard—Sir,
Your Excellency's
most obedient
hble servant,
P. HENRY.

His Excellency THE PRESIDENT OF CONGRESS.

Patrick Henry to General Count Dumas, of the Windward French Islands.

COUNCIL CHAMBER AT RICHM'D IN VIRG[A], June 3[d] 1786.

SIR: The state over which I have the honour to preside, early in the late war fitted out and put into commission a vessel of war called the Musquito, commanded by captain Harris. Before the capture by the British, she had the fortune to take a prize of very considerable value, which was condemned and sold in Gaudaloupe. A certain Mr. Soubris of Point Petre received the money, & Mr. Richard Harrison, then agent for this state, commenced a suit against him for recovery of what he had received. He pretended that captain Harris had made him agent for himself & the crew, & refused to account for more than half the prize, which it is said in the whole amounted to 70, or 80,000 Livres. When Mr. Harrison left the Island he transferred his powers to Sam'l Parsons Esq[r]. who prosecuted this affair 'til 1782 unsuccessfully, for want of competent powers to receive the whole of what the prize sold for. The costs have amounted to near 5,000 Livres, & notwithstanding this, and the length of time in which the matter has been litigated, nothing as yet has been received from this prize, which it was imagined here could not have af-

forded Grounds for the dispute, the principles of decision in such cases being clear, and universally known & admitted.

The facts above are stated to me by Sam'l Parsons, Esqr, to whom I have granted full powers to transact the business with Mr. Soubris, or who ever may detain the money. The death of Captain Harris, & the dispersed situation of the crew of the Musquito, make it necessary that the executive of this state should receive the whole of the prize money.

I am upon this occasion to request of your Excellency such attention to the above business as its situation may render necessary. And when I was considering of some distinguished character to whom I might confide the interest of the state, none appeared so proper as your Excellency. From your love of justice, sir, I am induced to hope that the evasions of Mr. Soubris, or others concerned with him, may be discountenanced, and that my agent, Mr. Parsons, will receive such encouragement as the nature of this business may deserve, & the past delays seem to render more necessary.

I beg leave to assure your Excellency of the high esteem & regard with which I am your obed. servt. &c.

P. HENRY.

To His Excellency, GENERAL COUNT DUMAS.

L. Wood, Jr., Solicitor, to Patrick Henry.

RICHMOND, June 7th 1786.

SIR: I enclose the report of Andrew Dunscomb, Commissioner to settle the accounts of state of Virginia with the United States for expenditures incurred during the late war with Great Britain. The Statement of the late Commissioner, Zepheniah Turner, and that of the undersigned, Andrew Dunscomb, have been compared with the Receipt

Book of the Commonwealth's Treasurer, and found to agree in amount, viz: "Expenditures from the 13th September, 1775, to the first of September, 1777, amounting, as per additions under the several Heads, to the sum of £303,853.1.-2¾ specie, or so deemed; from the first day of September, 1777, to the 31st December, 1780, to the sum of £5,669,192.-8.3¾ nominal, to be reduced to specie value at the decision of the Honorable Congress. In addition to this amount, sums of money advanced to individuals yet unadjusted, and the aggregate of specie tax, prevented from being stated by the destruction of the books and papers of the offices by the British in 1781, are to be considered. An officer had been appointed by the state to settle up all arrears of this nature, by whom these expenditures will be investigated &c.

L. Wood, Jr.

To His Excellency, Patrick Henry, Esq.

The Virginia Delegates in Congress to Patrick Henry.

New York June 8 1786.

Sir: We have the honor of acknowledging the receipt of your letter to the delegation, as well as that to the President of Congress: The latter has been delivered, and on motion of the state committed; the report of the committee is herewith enclosed; it was under debate yesterday, and a decision would have been had if the number of states on the floor had been adequate thereto. When the representation will be sufficient for this purpose, we cannot determine, as the delegates of several states in the union have been for some time past very irregular in their attendance, and there is no reason to conclude that any alteration will take effect for the better in a short time. Indeed when the event takes place, we are apprehensive the issue will be extremely doubtful, as a considerable opposition was made to the re-

port when under consideration. It was perhaps an inconvenience in this instance that so few states have extensive frontiers; as they with reluctance assent to relieving us from difficulties to which they are not themselves likely to be exposed. We can, however, assure you, that nothing shall be wanting on our parts to get such measures adopted as will not only promote the views of the state, but contribute to the general peace and tranquility of the union.

The organization of the Indian department is an object of the highest moment, and we entirely concur in sentiment with your Excellency on this subject, as well as to the manner, as to the necessity of expediting it.

It has been some time in the hands of a committee, and we hope as soon as a sufficient representation can be procured that something salutary may take effect.

We have the honor to be with the highest respect y'r Excellency's most obedient and very humble servts.

WILL^{M} GRAYSON,
JA^{S}. MONROE,
ED. CARRINGTON,
HENRY LEE JUN^{R}.

His Excellency PATRICK HENRY,
Gov^{r} of Virginia.

Patrick Henry to Edward Telfair.

RICHMOND June 22^{d} 1786.

SIR: Your Favor by Express was delivered to me the 20th, & yesterday I laid the Contents of it before the Council. As I feel great Anxiety for the present Condition of Georgia, I proposed the Loan of the Arms you asked for. This proposition however, on serious Reflection, appeared inadmissible, the Number of public Arms here being small, & totally inadequate to furnish our own People in case of an Invasion.

The Continental Arms deposited here are in so bad con-

dition that they cannot be made to answer for present Use. So that I was obliged to look out for some other Source of Supply. In this I have been successful, & have prevailed on M[r] Ben Harrison Jr. to agree to ship you the Number you asked from me, & several hundred more. I have no Doubt you will consider this as a most fortunate Acquisition, & that you will satisfy M[r] Harrison for them & prevent my being called on for them. The price is uncommonly low, & indeed far less than I could have supposed.

As to the Swords, they can't be had. I hope the size of the Guns will render them proper for Cavalry, & in some Measure supply the Want of Swords.

Give me leave, Sir, to recommend a prudent use of the present friendly disposition of the Choctaws—perhaps something capitally favourable to your State might result from it.

I shall ever esteem myself happy to render services to your State, & am,

Sir,

Your most humble Servant,

P. HENRY.

His Excellency EDWARD TELFAIR,
Governor of Georgia.

P.S. I enclose you a Duplicate of M[r] Harrison's Letter to his Correspondent on the Subject of the Arms. I am sorry the opportunitys of Vessels going to Ch[s] Town are so few. Perhaps you had better employ some Agent to hurry the Arms if you are pressed by the Enemy.

Levi Todd to Patrick Henry.

FAYETTE COUNTY June 22 1786

The extreme distance from the seat of Government, and the few good opportunities of safe conveyance, renders it difficult to maintain a regularly organized militia, especially in the unsettled state of the country and the rapid increase

in population. To remedy this, a number of Blank Commissions should be sent, to be used as occasion should require. Since Col. Boone's removal, I have made every effort to regulate the militia. I cannot make an accurate return, but the number, exclusive of officers, is about 1,100. Something should be done to secure the lives and property of the frontier inhabitants, who have suffered this six months past as much, and were exposed to as many inroads of the savages as we did in that length of time through the whole course of the war (particularly actions excepted.) Nothing but regulation and well-laid plans is wanting to put us in a situation to distress them and retaliate at pleasure, without making any application to the Eastern parts of the state.

I think it probably a separation will shortly take place, tho' when, I am at a loss to judge. The Kentucky people appear less unanimous than formerly, and a greater variety of sentiment prevails. I could therefore wish that the attention of the Legislature and Executive to the welfare of Kentucky, might not be in any respect withdrawn, until we are in a situation to plan and execute for ourselves.

I am your Excellency's
most obedient and humble serv't &c. &c.

LEVI TODD.

His Excellency PATRICK HENRY,
Gov^r of Virginia.

Patrick Henry to Colonel Josiah Parker.

COUNCIL CHAMBER June 28th 1786

SIR: It is with concern I am to inform you that sundry parts of your conduct are found to deserve reprehension. In the case of captain Folson it appeared a very capital mistake was committed in your office. In several other instances it appears that your permits do not specify the marks or numbers of the packages of goods, agreeably to the

instructions sent to you by me, bearing date of 24th of March last. In your advertisements for selling merchandizes for non payment of the duties, you omit the marks and numbers of the packages, by which a great part of the information necessary to the owners is witheld from them.

From this conduct it is too plain that the business of your office is transacted in a manner so loose, as to expose the trade on one hand to unnecessary embarrassment and vexatious suits, and on the other, the practise of fraud is rendered easy to those who wish to evade the payment of legal duties.

I was in hopes that your own reflection on the subject would have produced a conformity to the law in your official transactions; but as that is not the case, I do hereby warn you, that if any further neglect of duty shall appear in your conduct, I shall proceed against you in the manner which the nature of the case shall render proper.

I am, &c.

P. HENRY.

To COL. JOSIAH PARKER,
Naval Officer, Portsmouth.

Charles Thomson to Patrick Henry.

OFFICE OF SECRETARY OF CONGRESS, July 3, 1786.

SIR: Your Excellency's letter of the 16th May was received in due time and communicated to Congress. After mature deliberation thereon, I have the honor to inform you that The United States in Congress assembled, desirous to give the most ample protection in their power to the citizens of the United States, have directed their Commandant on the Ohio to detach two companies of Infantry to the rapids of the Ohio; and request that you will give orders to the militia of that district to hold themselves in readiness to unite with the federal troops in such operations as the officer commanding the troops of the United

States may judge necessary for the protection of the frontiers. And further that Congress now have under deliberation the organization of the Indian department, for the purpose of extending to the frontiers regular and certain security against the future designs of the Indians. I do myself the honor of transmitting to your Excellency herewith enclosed a copy of the resolution for detaching the two companies, and of that on which this letter is grounded, and am with the greatest respect,

Your Excellency's Most obedient and most humble serv't.

CHAS. THOMSON.

His Excellency THE GOVERNOR OF THE COMMONWEALTH OF VIRGINIA.

Patrick Henry to the Virginia Delegates in Congress.

COUNCIL CHAMBER, July 5th 1786.

GENT" : Since my last on the subject of Indian Affairs several matters have occurred which confirm the apprehensions generally entertained of war with many of the Tribes, particularly the Creeks & the Nations on & near the Ouabash.

The Governor of Georgia applied to me very lately for the loan of 500 Muskets & 500 dragoon Swords. Altho. I was anxious to assist that State in her distress, yet the arms could not be spared from the public Stock, but luckily a Merchant here was prevailed on to Ship near 1000 Stand to Charlestown, for the purpose of furnishing Georgia with as many of them as she wanted. It was feared that the Bucks would greatly distress that State, the Inhabitants of which are in general but badly prepared for war, being but newly settled & fully occupied in procuring the necessaries of life, for which their Constant labors are not more than sufficient.

At the same time that this powerful Tribe of Savages are thus harassing a Sister State, they have marched a

powerful detachment to the Settlements on Cumberland River where I fear they have done very extensive mischief. Besides the papers which accompany this, I had other Intelligence that upwards of 200 Creek warriors passed thro' the Cherokee Country declaring they were going to war with the Virginians. If the prospect of danger was confined to this Tribe, powerful as it is, some spirited movements might give a hope of procuring that tranquility so necessary to our Frontiers, but when the same hostile Disposition presents itself on every side where there are Indians, it is very alarming to our Western Brethren. If the whole Force of the Kentucky District were Skilfully conducted the Event would seem doubtful. What I mean by a skilful conduct in such a War, is attacking the Enemy in their Towns. Every other mode of warfare, Experience has taught us, is productive of nothing but loss & disgrace.

I was not a little mortified when I perceived by your last letter that opposition might be expected in Congress, to the active measures agreed on all hands to be necessary for the preservation of our Western Settlements. I cannot be persuaded to think it necessary for me to endeavour to excite sympathy for that part of the Union whose extermination seems to be attempted by an Enemy thirsting for blood—But while I waive every consideration arising from that Tenderness & fellow feeling which every Social Compact avows as its best Foundation, I must beg leave to urge it as indispensable, that a decided answer be given to the Question "Will Congress defend & protect our Frontiers?" If they will not I ought to know it quickly as possible. Otherwise the Lives of our Citizens will be the forfeit of the Indecision & want of Foresight, which I am sorry to say are too apparent in this Department of public Affairs. If on the contrary Congress mean to take on themselves the business of defending our Western Settlers, I pray you Gentlemen that the exceeding great Danger of procrastination be pointed out, & forcibly urged. In order to save money & give efficacy to our measures the move-

ment should be sudden & decided. A parade of preparation sinks much money and defeats itself.

From the general expectation of peace with the Indians, our people have perhaps relaxed in their vigilance, & relying on the faith of Treaties formerly announced from the proper authority, have ventured upon settlements from which the usual apprehensions of Indian Enemies would have restrained them. May we not therefore conclude that the Faith & Honour of the confederation are pledged to vindicate the rights derived under these Treaties? But if it is found that no reliance can be placed in Congress for protection, are not all the Western people driven into a separation from us, and of course the States having settlements on the Western waters bro't to the Dilemma, of abandoning them or the present Confederation!

In order that the Executive of this State may stand Justified & acquitted from any bad Consequences resulting from the present fatal train in which Indian affairs are suffered to continue, I have troubled you Gentlemen with this long letter. And I beg leave once more to suggest the evident necessity of having Agents, actually resident among the various tribes from whom Hostilities may at any time be expected, and that these Agents be directed to correspond with the Executive here, & to obey such orders from hence as Exigencies may render proper. At present I have good reason to believe that the Choctaws & Chickasaws, by a little management would agree to act as our Auxiliaries, if not as principals against the Creeks. But however favorable & even decisive such an event might prove, You know I cannot think of promoting the measures for accomplishing it. It is a prerogative of Congress. It is also I believe easily practicable to procure dispositions favorable to our Views amongst the Western Tribes. Proper negociations would in a short time point the enmity of the Indians against their Neighboring Indian Nations.—And wherefore this is not done, is to me matter of surprise & concern. That these measures will be expensive I admit. But that they may be conducted so as to save immense

Sums is Evident, to say nothing of the Lives of our Citizens.

To suppose that a great number of Nations among whom Restraints of law & order are unknown, who have no profession but that of arms, will all at once refrain the use of them is vain. Every individual among them claims a right of gratifying his revenge, his avarice or ambition in the Time & manner he pleases, and as either of these passions may happen to prompt. Perhaps the most vigilant Agency could not prevent every species of private mischief. —However Confederacys to commence hostilities certainly might be defeated in the formation, or such warning of them given as to defeat their Effects.

I know it is urged by some, & with too much Truth, that our own people are the Aggressors. Admitting the Fact, the residence of proper Agents among the Savages appears more necessary. At present if any Injury is received by an Indian, to whom can he make known his Complaint? To trust his person amongst the people who Committed the Injury would be too hazardous. The Trespasser or his associates would feel an interest in killing him to prevent a discovery of their Villainy. No person, worthy of Confidence, resides in his reach, to hear his Complaint, & take measures for redress—He must therefore take Vengeance himself or forgive the Injury—which of the two is like to happen, a slight knowledge of the Indian character will decide.

The Character of such Americans as usually frequent the Indian Borders, coming into co-operation with that of the Indians themselves, necessarily produces contention. Under the wisest regulations it is perhaps impossible to hinder mischievous Consequences. But with a previous knowledge of these characters to leave such regulations altogether unattempted: To leave the peace of the United States depending upon the bare possibility of a total change of National character on both sides: To trust entirely to the punctual observance of Treaties with people who were never known to practice good faith: These things give such

a Description of Indian policy as greatly to alarm me for the Consequences, & to convince me of past mismanagement.

It is probable that I give to Congress more trouble on the subject than ought to come from any one of the States. The reason is obvious, Virginia has a more exposed Territory than any State in the Union. And I should but ill discharge the Duties belonging to my Office, if I failed to urge the change of a system which promises so little of that protection which is the end of Government. I need not hint at the propriety of attention to our Western Country resulting from our Cession of the Territory from whence much of the present hostility comes, or at the great load of expense incurred in conquering that Country & yet unpaid. If it remained ours, arrangements would soon be made for procuring peace.

I take the liberty to suggest, that I think it highly proper to give in charge to the Agents to procure in the first place information of all intended hostilities, not only in the Tribe where they may happen to be occasionally, but in every other Town: The practice of the Indians giving the fairest opportunity of such Discoveries—When intended mischief is discovered, let the Agent send notice to the militia officers, or the Governor of the State, as the nature & Exigence of the case may render most proper—If the Discovery is made before the hostile schemes are matured, a prudent Interference will stop the execution of them—Let the Agents constantly have in view the Enmities that exist between the different Tribes, & so conduct them as to effect a diversion of hostilities from the United States—If any Tribe shall exhibit good ground to apprehend hostilities, let the Agents everywhere exert themselves to find Enemies to such Tribe, & be furnished with the presents necessary for exciting other tribes to attack them—My meaning is to play off the Indians against each other, when it has become absolutely necessary as a means of Diversion in behalf of the United States, & in no other Case. To illustrate this, I repeat that the Choctaws & Chickasaws would at

this time attack the Creeks, if they were prepared to do so—This I had from Colo. Martin the Agent. He also informed me that he had good reason to believe that the Chickasaws would furnish men to act against the Western Indians, if arms & ammunition were put into their hands. How mortifying is it that the most effectual of all means to get rid of this war are within our reach, but we are doomed to suffer the horrors of it for want of a little management.

In order to render Restrictions upon the Indians as strong and unceasing in their operation, as the passion for war and plunder to which they are opposed, Congress will add such others as their wisdom shall direct. I do not presume to form a system or to organize this Business: I only submit the foregoing hints as part of a system which ought to be regular & constant in its execution, to prevent evils which will certainly happen upon the least relaxation or mismanagement.

I know how ungrateful it is to contemplate so great an addition to the Civil list of Congress, as must be produced by the adoption of the scheme of Agents or Superintendents in the extent I have recommended. However let it be remembered, that it is incurring a certain moderate expense to save an immense contingent one. If honest Agents can be found, a small quantity of goods might be sold under their orders in the Indian Country so as to produce profit sufficient to defray the Expenses of Salaries, & perhaps more. And according to the best of my information nothing could so much facilitate the main business intended, as to connect it in a certain degree with Supplies for the Indians. But while I firmly believe this, I must decline saying more about it, as it would take up too much of your Time, upon which I have trespassed already.

Before I conclude, I take the liberty of again reminding Congress that no person has yet appeared to adjust the claims of Virginia for expenses incurred on account of the Territory ceded to the United States. I hear nothing of General Parsons. And such was our Confidence that no delays would be practiced, that Colo. Heth was taken into

pay at the rate of £200 per annum about the time that we were told the Continental Agent would make his appearance. The Colo. is still retained in pay, & I hope he will waste very little more time waiting for the Gentleman with whom he is to act. If Congress intend to refuse the appointment of a Commissioner I hope to know it quickly, as the Executive Cannot justify the keeping our Commissioner idle much longer.

With great regard I am
Gent^{lm}, Your most obedient
humble Servant,

P. HENRY.

The Honble VIRGINIA DELEGATES IN CONGRESS.

Patrick Henry to Colonel Harmar.

COUNCIL CHAMBER, July 12th 1786.

SIR: I have received from Congress a copy of their resolution of June 30th whereby I perceive two companies of their troops are to remove to Kentucky, for the purpose of protecting that quarter against the attacks of the Indians.

Those troops I find are intended to co-operate with such numbers of militia in the district as the occasion shall render proper. In order to give effect to the intentions of Congress, I have ordered the County lieutenants of the district of Kentucky to afford you such aid of men, as the operations you undertake for protecting and securing that country from its merciless enemies shall render necessary. You will be pleased therefore, to call for the men as they shall be wanted by you to attain this much desired purpose.

I am, Sir, Your mo: ob: Serv^{t}:

P. HENRY.

To COL^{o} HARMAR, or the officer commanding the Continent^{l} troops in the district of Kentucky.

John May to Patrick Henry.

LINCOLN COUNTY, July 14th. 1786.

SIR: The very interesting intelligence which we have lately received from Post St. Vincent, induces me once more to trouble your excellency. The Americans living there have been very much distressed by the Indians ever since last winter, and have every reason to believe that they were encouraged to continue hostilities by the French Inhabitants, who have not only refused the Americans any assistance, but would not suffer them to make use of the cannon, which were left there for their defence, at a fort which they were obliged to build; and when they, the French, were written to on the subject by Gen'l Clark, they returned for answer that they had nothing to do with the United States, but considered themselves as British subjects, and should obey no other power. I understand that there are British traders among them who keep up this idea, and as congress seems to have totally neglected them, it is not to be wondered at if they should still think themselves under the British government, especially when they see that the several British posts, which they were told were to be delivered up to the Americans, are still in the possession of the British. The Americans have been lately attacked by the Indians, but repulsed them, whereupon Col. Le Gras, or Legrow (for I don't recollect how he spelt his name), issued his proclamation, ordering all the Americans to move away immediately. They are now closely confined within their fort or houses, and have every reason to expect the French will assist the Indians against them, and are under the most dreadful apprehensions of being totally cut off. The Wabache Indians are all at war with us, and most of the Shawnees, and put to death in a most cruel manner all the prisoners who are so unfortunate as to fall into their hands. Since Col. Logan wrote to you in April, there have been a great many murders committed, and we, every two or three days, hear of new murders.

There are now letters here from Post St. Vincent requesting in the most moving terms, that assistance may be sent the Americans, to enable them to move away, and offering to give up every shilling's worth of property they possess in order to defray the expences of moving them.

There had a party of militia, amounting to 130 men, marched a few days before this intelligence came to hand, to attack a party of Indians, who were encamped on the other side of the Ohio, some distance below the falls, but upon General Clark's receiving the letter, he sent expresses after them and requested them to proceed immediately to this post. This country had determined to carry on a volunteer campaign against the Indians in August next, but your instructions have changed the plan, and they are now preparing for a regular campaign.

I find that it is the unanimous opinion of the inhabitants of this country, that General Clark is the properest person to take command here, and notwithstanding the opinion which prevails below, of his not being capable of attending to business, I am of the same opinion with the rest of this country. I have been with him frequently and find him as capable of business as ever, and should an expedition be carried on against the Indians I think his name alone would be worth half a regiment of men. . . .

It is not expected that the Troops will be ready to march before the first of September, as the Council of officers will not be held till the 2nd. of August. . . . Col. Logan is acquainted with the contents of this Letter, and has authorized me to say that in case a General officer should be appointed, he thinks Gen'l Clark's abilities and experience entitle him to the appointment.

Y'r very humb. Serv't, &c., &c.

JOHN MAY.

To His Excellency, Gov^r P. HENRY.

The Virginia Delegates in Congress to Patrick Henry.

NEW YORK, July 17 : 1786.

SIR: We had the honor to receive your favor of the 5th, on the 15th. inst. We immediately communicated its contents to Congress but were at a loss how to act under it, as we had already received and transmitted to your Excellency the decision of Congress upon the report which had been founded on your previous letter, and which we are under the necessity of considering as the answer you now require. We are the more confirmed in this opinion from our having stated to Congress, after the letter was read, that we had already transmitted the decision above alluded to, and submitted to them whether the late one contained sufficient matter to induce a reconsideration of the subject with different views from those which had influenced them on the former occasion, without their taking any measures in consequence thereof. We thought proper to require of the secretary at war information, what measures he had taken to carry into effect the ultimate resolve of congress on the subject, for the purpose of knowing in what light he held that resolution, and what the powers given by it to the commanding officer, and received in answer the enclosure which we have the honor to transmit you. We have to request of your Excellency to make known to us such measures as with a knowledge of these circumstances you shall think proper to advise, and to be assured that we shall embrace every measure in our power to carry them into effect.

We have the honor to be with highest respect

Y^r^ Excy^s^ most obed^t^ servt^s^

WM GRAYSON.
JAS. MONROE.
ED. CARRINGTON.
HENRY LEE, JUNR.

His Excellency PATRICK HENRY,
Govr of Virginia.

Thomas Jefferson to Patrick Henry.

PARIS, July 22 1786.

SIR: An opportunity offering, at a moment's warning only, to London, I have only time to inform your Excellency that we have shipped from Bordeaux fifteen hundred stand of arms for the State of Virginia, of which I now inclose the bill of lading. A somewhat larger number of cartouch boxes have been prepared here, are now packing, and will go to Havre, immediately to be shipped thence. As soon as these are forwarded, I will do myself the honour of sending you a state of the expenditures for these and other objects. The residue of the arms and accoutrements are in a good course of preparation.

I have the honor to be, with sentiments of the highest respect, Your Excellency's most obedient and most humble servant, &., &.

THO^{S}. JEFFERSON.

His Excellency PATRICK HENRY,
Gov^{r} of Virginia.

Joseph Martin to Patrick Henry.

LONG ISLAND, August 14, 1786.

SIR: In the time that I was absent from this quarter, the Indians killed two men near the end of Clinch Mountian. The people from the State of Franklin, if they may be so called, Imbodied and Marched within fifteen miles of their Towns, then sent for the Old Tassell, the Hanging Man, and others of the Chiefs, to come to them, which they did, and informed the white people that it was done by two or three Young fellows that lived in a town called Cow-a-Tie, about Twenty miles Below Chota, they being hired by an old fellow from the Chickamogga, who had Two Sons killed by the white people last Spring—that they condemned the act, and would Deliver up the murtherers

if they would give them a little time, but they were Run off—that their Desire was peace—that they hoped they would not Distress Innocent people on Account of Rogues. The reply from the Commanding Officer was, that they would have their lands. The Tassell told them he had no right to give them any land, that Congress had taken up that Matter. They immediately marched into the above mentioned Town, where they killed one Young woman, and Shot Several others. Greatest part of the Indians had fled. They burnt the Town house, and several other Houses, and Destroy'd part of the Corn. John Martin who manages publick business in my absence, lived in the Town. He moved off about ten Miles with what public property he had and his own also, to keep out of the way of the army. They pursued him, took him with the S'd property, consisting of 2000 lbs. of Dressed leather, 16 head of horses, and furrs, &c. After keeping of him prisioner some time, tryed him By a Court Martial, and cleared him of every charge, then took from him every thing he had, of both Public and Private property, even his Blankett, Kettle, &c. From such conduct Your Excellency will easily judge what a Situation Powell's Val'y and Clinch will be in, as I expect the Cherokees will move off and join the Creeks, tho' I shall do every thing in my power to prevent it. If about fifteen men could be enlisted for about twelve months, I think my station would stand. Nothing can be expected from Russell County, as almost every house in it is a frontier, Being 100 miles long, and the widest part not ten, and many parts not over four. I could enlist the men if authorized. I have the honor to be

Your Excellency's most humble
and most ob't serv't,
JOSEPH MARTIN.

His Excellency Gov^r^ PATRICK HENRY.

P.S. The Commanding Officers, Col Outlaw and Cook. I shall be very attentive to the motion of the Indians. If I find they are about to move, shall give Your Excellency Immediate notice by Express. J. M.

Patrick Henry to Joseph Martin.

RICHMOND, Oct^{o} 4th 1786.

SIR: I received your note by Mr. Ford, and soon afterwards the other letters you wrote me. The disorderly Behavior of the Franklin people, as they call themselves, gives me concern. If they will not be subservient to the Rules and Regulations respecting Indian affairs, which prevail in all the States, they must expect none of the advantages of the Union. If they excite War with their neighbors, they will thereby oblige this government to give the Indians information, that Virginia will take no part in the contest. And this will become necessary to preserve our citizens from an undistinguishing vengeance which the Indians will endeavor to take for their supposed Wrongs. But I would have you postpone any communications of this Nature, lest the Indians may take it as a hint or as Encouragement to make War on the people of Franklin, whom I pity for their errors. Perhaps some Time for Reflection, may bring them back into the Bosom of their Country, & will show them the Folly of attempting to set up a separate State as yet. In the way they now go on they will have Enemies all around them, The old State on one side, the Cherokees on another, & if they are not careful, Virg^{a} on the other. And all this, while the Spaniards are endeavoring to deprive them of the navigation of the Mississippi. This requires the strictest Union among the Americans. Otherwise the Spaniards will carry their point, and thereby crush all our Hopes of prosperity for the western Country. The Southern States are now hard set to prevent that navigation from being given up, and nothing has been omitted by me, towards making a resolute and firm opposition to so iniquitous a project. But how poor a figure will the fourteen States make, if the Franklin people stir up animosity and Disturbances, which, while they hurt the general interest, will bring absolute Ruin on themselves. For if they injure the Virginians, they may be certainly assured that ample Satis-

faction will be had for the Injury. How will their Rights of Navigation and Commerce be secured from Spain and other States, but by a strict Friendship & connection with the 13 States? If they once involve themselves in an Indian War, they'll have several nations on their Backs, as soon as it is known that our State will not assist them. Indeed I sincerely pity those people, whose situation is becoming very critical. If their own State will agree to their separation, and Congress shall admit them into the alliance, then, and not 'til then, can we take them by the Hand as Friends. And why are they in such a hurry to separate? I know the History of their improper Treatment when they were given up to Congress. But that proceeding has been given up & atoned for. It was certainly wrong; but as it is not persisted in, why is the Resentment springing from it continued? Why do not the people imitate our Kentucky friends? They are to have a separate State as soon as they are able to support one. So would the Franklin people if they would conduct themselves as our Western Friends do. We are determined to support them, 'til they can stand alone. That ought to be the case with Franklin; and I am persuaded N° Carolina now sees the propriety of imitating a conduct so necessary to cement and strengthen the American Union, all the Weight and force of which are particularly necessary at this Juncture to secure the Enjoyment of those material privileges, without which our commerce, particularly to the Westward, must sink to nothing. I lament that I cannot make it my Request to the governing powers of that people, to consider of these Things. I cannot address them, because by so doing I might incur the censure of our neighboring State of N° Carolina. She would justly take umbrage if I should hold correspondence with people in her Charter Limits, that have revolted against her, & continue revolted, & not recognized by Congress. If therefore these Matters can be seriously considered by these people of Franklin, it would give me pleasure, tho' I am deprived of the satisfaction of making the Communication. I have gone into this subject to you, with a

View of impressing your mind with the Importance of setting right such of these people as you may fall in with; and with such as prudence may point out to you, I wish you to converse in a cool and friendly Manner. Their setting up Independence and living adjacent to our State, embarrasses me. The complaint you make to me of their maltreating Jno. Martin, who I guess is a Virg[a] citizen, calls from me some step towards obtaining satisfaction for the Injury. I dread to take that step, because it leads into a path that is strange to me, & may lead to misery. It is easy to take the first step, but hard to foretell what it leads to. It will grieve me to be accessory to the Hurt of any American, much more to a Community of those whom Blood and Interest ought to cement in the tenderest of Tyes. I love these people as Americans; but I dare not own them as Friends while they go on in their present course. If they are real Friends to America, let them join in an address with the old state, with this State, & all the Southern States, to Congress, & earnestly solicit that Body to secure the Western Navigation. This is a matter that is now in Danger of being finally lost, if the Southern People do divide. It is a Matter that may ruin the Western Country, which must principally support the Glory of America in future Times. Let us all then unite; & when united, we shall scarcely be sufficient to counterbalance the Weight of those who are laboring to check & keep down our Western Settlements. What can poor Franklin do if separated? The scheme of the Spaniards & other States will not be defeated by her little Commonwealth, when perhaps all America may not be able to secure our Commercial Rights.

My wish is to give you a View of the Situation of Franklin according to my Ideas of the Matter, and from this it results that the present Establishment there cannot long stand. The people are unable to support Government: For how can they do it, when even Virginia finds it a burden almost too heavy to bear? When the present Errors come to be seen the people will again join themselves to the Union, & then I have not a Doubt good Neigh-

borhood will be established. In the mean Time, try to cultivate Goodwill towards them, and prevent any Bars from being put into the Way of returning Harmony. If Extremitys are to happen, let the necessity of them not lay at our Doors. Let the World be witnesses of our Justice & Forbearance to them.

I have provided as much Rum as the Bearer M^r^ Ford can carry for you, which is two Barrels, say about 60 Gallons, good West India. I have also hurry'd the Silver Smith to finish the 5 large Medals of the purest silver, for such of the Indian chiefs as you judge fittest to bestow them on. I trust to you to deliver such messages to the Indians as you think most conducive to establish firm peace with them.

I sent you one large medal & a package of goods by W^m^ Parks, pray did they come safe? Write me about it & every other Thing you think proper. I shall let you hear from me before long, & in the mean Time, I am,

Y^r^ Ob. Servant,

P. HENRY.

To COL. JOS. MARTIN.

Patrick Henry to the Speaker of the House of Delegates.

IN COUNCIL, Oct. 16, 1786.

SIR: Since the last session of Assembly I have received from Congress a number of letters & papers, which I now transmit for the consideration of the General Assembly, who in their wisdom, will give to the various subjects treated of in these communications, the attention which their importance deserves.

I think it my duty to remark, that it seems to me essentially necessary for the Assembly to proceed with the first opportunity to the choice of delegates to represent this state in Congress.

The last Assembly gave directions that the artillery should be put into proper order for service. This neces-

sary business could not be done for want of money. The contingent fund out of which it was directed to issue, has not been in cash, and the warrants drawn on that fund would not be received by the workmen ; so that the work has stopped, and the business is not completed. No effort for its completion has been spared, and it is hoped that the Assembly will enable the Executive to accomplish it by granting the money necessary for that purpose. A statement of what has been done, and what remains to do, in that business, will accompany this.

The failure of the contingent fund has obliged the executive to direct the treasurer to borrow money from other funds, to supply the exigencies that a variety of occasions have produced. This proceeding it is supposed is justified by the necessity of the different cases that gave rise to it. But I cannot forbear expressing a hope that by a wise and proper arrangement of the finances, similar embarrassment will be avoided in future.

In the course of the year the Indians have committed many murders and depredations on our western people. The management of Indian affairs having been assigned to Congress, I judged it proper to transmit thither information of the hostilities, urging at the same time the necessity of effectual measures to prevent a continuance of them. This department of affairs, so peculiarly interesting to Virginia, I thought stood in need of a total reform. I accordingly stated my ideas on the subject to congress by letters, copies of which I send herewith, together with the proceedings which followed thereupon.

No more than 1500 stand of arms have yet arrived from France, owing to unexpected delays in the fabrication of them. I have not a doubt but the remainder of those expected will shortly come. These when added to those we are already possessed of, will form a number too large to be safely deposited at the point of Fork. It is necessary to erect a strong magazine for the reception of the powder, arms and military stores, and it is hoped that the Assembly will see the propriety of providing a sum of money ade-

quate to that purpose. The Executive were somewhat embarrassed how best to employ the searchers they were authorized to appoint by the act of the last session of Assembly, entitled, "an act for the better securing the revenue arising from customs," the term being unknown to our laws, and the duties of the office not defined by the act. The result of the deliberation of the board on the subject will appear from the papers enclosed. These regulations, though imperfect, will be found to have increased the revenue, and point out the propriety of a revision of the Trade laws. Should the Assembly proceed to a revision of them, some information may be obtained from the reports made to the Executive by those gentlemen of the Council, who have lately visited & inspected the several naval offices on this side of the Chesapeake.

Spencer Roane Esq^{r} hath resigned his office as a Councillor, as appears by his letter which is sent herewith.

I am with great respect

Yours &c

P. Henry.

To the Speaker of the House of Delegates.

Patrick Henry to Mrs. Annie Christian.

Richmd, Oct. 20th 1786.

My Dearest Sister: Upon the receipt of your letter I apply'd to have the rings made as you desired. I wear one as you desired of me, and herewith I send you four as near the size as we could guess. Mr. Walton the bearer is recommended to me as a man I may trust with them. He promises to deliver them safely, and I embrace the opportunity rather than wait longer. I have been enquiring about getting the tombstone since Col. M^{c}Dowell went away, and find it next to impossible to get a good one transported so far back without too much hazard. I repeat therefore

my opinion for having it done on the spot, as I mentioned before. I hope soon to have a letter from you by the delegates coming in to the assembly. Pray write me as to all your affairs, particularly as to your children, & your own state of mind, and what prospects you have before you. My daughter Annie was married to Mr. Roane, one of the Council, last month, and Betsy to Mr. Aylett this month. The matches are agreeable to me, the gentlemen having good fortunes, and good characters. I shall resign my office next month and retire, my wife and self being heartily tired of the bustle we live in here. I shall go to Hanover to land I am like to get of Gen. Nelson, or if that fails, towards Leatherwood again. My wife has 5 very fine and promising children. I rejoice to hear yours are so. Pray, my dearest sister, let me know how I may serve you or them. Mr. Walton is waiting, so that I can not enlarge. Let me know how many letters you've rec'd from me for I have written you 4 or 5 this last summer. I've got but one from you and that was by Col. McDowell. Congress are about to agree to give up the Navigation of the Mississippi. I've exerted myself to prevent it. Let Col. Wheeler, Col. McDowell and a few judicious men know of it, and that I recommend it to them to get petitions both to Congress and our Assembly to oppose the Scheme. I have not time to explain this affair fully, but a firm protest ag't the treaty whereby it is to be given up is I think necessary from y'r people. God bless and preserve you, ever beloved sister, says

Your Afft.

P. HENRY.

To Mrs ANNE CHRISTIAN,
Kentucky.

P.S. Charge of the rings $30 from Wm Waddill.

Levi Todd to Patrick Henry.

KENTUCKY, November 20 1786.

MAY IT PLEASE YOUR EXCELLENCY: Since the return of the armies from the northwest side of the Ohio, I presume many, and perhaps various accounts of the success of one, and failure of the other, have been transmitted to your Excellency. Since the return of the army under General Clark, I have been convinced (and expect the Executive will deem it necessary) that an enquiry ought to be made into the causes of the bad success of that army, and hope this may be done by some judicious and discerning men of the district, not officers in that army, by order of the Executive. I wish that facts might be fairly stated, then and not till then, truth will fairly transpire, and reflections fall on those who from their conduct merit it. A circumstantial detail cannot be given without pointing out such conduct in officers as (if properly proved) ought to prevent the like kind forever in future from them. For these reasons and my being an officer at the time, I omit saying anything more, but earnestly request that some mode of this nature may be adopted by the Executive to point out men who officiate without merit.

I have the honour to be
your Excellency's Obed't H'BLE Serv't, &c &c.
LEVI TODD.

His Excellency PATRICK HENRY, ESQ.

Patrick Henry to the Speaker of the House of Delegates.

COUNCIL CHAMBER, Nov. 27, 1786.

SIR: Application has been made to me for arms and ammunition to be sent to the Kentucky District. The posture of affairs there seems to require every possible preparation for defence.

I am sorry to say that there is no money which the Executive can appropriate to procure the arms that are wanted, or to bear the charge of transporting the ammunition from hence to that country. The Executive feel themselves embarrassed at the idea of parting with the arms that form the principle magazine of the state, thinking that the spirit of the laws under which it has been formed is against such a measure in the present instance. However, arms that perhaps are well calculated for the service in question, may be purchased, if the Assembly shall be pleased to direct it.

I am &c.

P. HENRY.

To the SPEAKER OF THE HOUSE OF DELEGATES.

Joseph Martin to Patrick Henry.

SMITH RIVER, 20th January, 1787.

DEAR SIR: I returned from Feattsville ye 10th Instant & all that I was able to do for the Indians was to have a Resolve passt, Directing the Governor to Issue his proclamation ordering all the people off their lands that have settled South of French broad river, which will not answer the purpose. I wrote to Governor Harrison by Colo Harston for the meddle promised the Cherokees & Chickasaws but Rec'd no answer from him. I set out ye 13th of next month to the nation, am sorry to go without them as the Indians expect them by me. I rec'd a letter from you by Mr. Andrews tho have heard nothing of the letter you mentioned by Ford. By a letter from Governor Telfair of Georgia to Genl Savier we are informed that the Legislature of Georgia have confirmed title to the Bent of Tennessee. Colo Glasgow, the Secretary of State of North Carolina, has gone on to the Assemble of Georgia which is now about to sett, to have the necessary Conveyances made. I expect to hear from them as soon as it rises by my son

William, who is a member, and will take care to transmitt every thing that Respects the Bent to me immediately. I am sent for by the Chickasaw Indians to come down early in the Spring, but mention nothing of their business, tho by what I can find out by the Cherokees its in Consequence of some preposals made by the Spanards to them respecting trade.

I propose setting out in April next. I find that Congress have appointed Porter White to Superintend the Southern Indians. He waited on the assemble of North Carolina, tho they seem'd to pay little respect to Continental measures, he seem'd rather to Decline the Business & offer'd himself as a Candidate in the Delegation to Congress & was elected, tho told me he would go on to the Creek nation, and do some Business & be back in time to take a seat in Congress. Colo. Ben Hawkins who was one of the Continental Commissioners, & Now a Delegate in Congress, informs me that nothing was wanting on my part to be appointed but a Recommendation from Virginia, that if you would write to some of the Delegates, he on the part of North Carolina would settle the Business. In the latter end of session some of the members was about to enter a protest against the Continental Commissioners in very Ill natured language, notwithstanding a Committee on that Subject had reported, which the others thought was too favourable. The purport of the protest was that the Commissioners had actually given up to the Indians lands that North Carolina had purchased of S^{d} Indians, that in Consequence of s^{d} treaty the Indians have been more desperate then before &c. If I could get so far in your favour to write a true state of the case to Congress in my name, you will lay me under lasting obligations. What I want Congress to know is that in July 1777, Virginia & North Carolina jointly treated with the Cherokee Indians agreable to instructions given to Commissioners by the legislature of Both States for that purpose, who enter'd into Solemn treaty with s^{d} Indians, wherein the faith of Both States was pledged: they fixt the Boundaries which are agreable

to the Bounndaries fixt, or rather renew'd by the Continental Commissioners, which is all the treaty that has ever been held with that people since, only one by order of Gen^{l} Green in behalf of the United States when the same Bounds was mention'd, the Commissioners were from Virginia & North Carolina. North Carolina when she opened her land office in 1783, agreed to give the Indians $2500 worth of goods, & Directed me to give the Indians notice, and to lay in provisions for the treaty &c. but before the treaty Commenced the legislature ceeded the lands north of the Apelatchean Mountians to Congress, & stopt the treaty and the goods. I can assure Congress that North Carolina has never treated for any lands since 1777, their own commissioner fixt the line from the mouth of Clouds Creek south, & the Virginia Commission from the mouth of s^{d} Creek north as far as Cumberland Mountain, tho North Carolina is about to say in the protest that the Continental Commissioners have given up to the Indians lands that North Carolina had purchased of S^{d} Indians, which is notoriously false. I speak with confidence because I have the original treaties now by me. I must ask your pardon for this request, but I am anxious that Congress should know the facts. I should be glad you would let me know whether you will part with that little spott of land at the ford of the river, & what you will ask for ten acres there. I will endeavor to make out payments Immediately in either Cash or Tobacco. If Georgia have confirm'd our title to the Bent, I shall proceed on another speculation in lands, which I think will be the greatest that ever will be in America, on the waters of Tombigby & Mobeal. I shall endeavour to locate the lands from the Spanish line North. I have lately fell in with a Mr. Hockett who is a man of Character. He is lately from there and will return there with me; he gives it a wonderful character; he says as far as the Spaniards claim is thick settled with Americans under Spanish government, the country well watered and healthy, well adapted for tobacco, he tells me that they get eight dollars pr. hundred for their

Tobacco by carrying of it 20 miles by water. From the many kindnesses I have rec[d] from you I should be exceeding happy if I could be of any service to you in that or any other way, the lands lie in Georgia, the bent I hope is secure. Any part of that is at your services on the same terms I get it, which is very light, tho I fear South Carolina will run into the bent, tho much depends on the Federal cort which I expect will be tryed in philad. about the time you will be there. If the Keywee river is the line between the two states all will be well.

I am with very great respect your most ob[t] Ser[v].

Jos. MARTIN.

TO PATRICK HENRY, ESQ.,
Prince Edward County, Virginia.

Caleb Wallace to Patrick Henry.

DANVILLE, November 10, 1788.

DEAR SIR: A mulatto slave brought from Maryland into this district having made application to the supreme court for his freedom, on account of his master's having neglected to make oath before a magistrate concerning the slaves brought into the state with him, is the occasion of troubling you with this line. I understood that many hundreds of slaves in the district are entitled to the same privilege by the neglect or rather ignorance of their masters. I am so happy as not to be anyhow personally interested in the decision, and therefore do not expect to be under any embarrassment as a judge, but am sorry that a law well intended should prove a trap to many adventurers of the best intentions. I believe very few of them ever heard of the law before, nor can it be expected that a man should or can make himself acquainted with all the laws of the state within 10 days after he comes to reside in it. I send this by the bearer of a petition to the assembly on the subject, and from what I have suggested you will see that I wish the

assembly to take the case into consideration. And I am the more anxious that the legislature should interfere as otherwise I fear some confusion may ensue, at least I think it probable that many slaves in this predicament will be hurried off to the Natches and other foreign ports.

I would also take this opportunity to acknowledge receipt of your favour of the 15th of August. As the land you sold Penick lies ten or twelve miles out of the inhabitants, and in a quarter frequented by the Indians, neither he nor I have had it in our power as yet to make further progress in ascertaining the interference of the prior claims of which I informed you before. I have advised Mr. Penick to apply to the surveyor for a connected draught of the claims, and for copies of the entries on which they are founded, from which a state of the case might be better understood. But then it will also be necessary to inquire whether the surveys have been made agreeable to the entries. Fear of the Indians and other avocations that press me make it uncertain when it will be in my power to go on the ground for the purpose, which makes me sorry that some other person was not thought of by you and Mr. Penick. But as the case is, I see it must depend on me to make an adjustment between you, which I shall endeavour to do as soon as the danger from the Indians subsides, if not before. I have only leisure to add that I am with much respect,

Your friend and servt,

CALEB WALLACE.

PATRICK HENRY, ESQ.,
Prince Edward.

N.B.—Please to forward the letter to Mrs. Christian by a safe hand.

Richard Henry Lee to Patrick Henry.

NEW YORK, May 28th 1789.

DEAR SIR: Your favor of March the 23rd was yesterday delivered to me, about eight weeks from its date. The Public good, and your recommendation, are motives so powerful with me, that General Martin will be sure of my friendship whenever the time shall come that I can serve him. How the business of appointment to the office he wishes, or any other, will go on, it is not easy to say, because nothing of that kind has yet come upon the tapis. If the constitutional nomination takes place, I am inclined to think that the approbation of the Senate will not be withheld, unless some palpable impropriety should mark the nomination, which is hardly to be supposed. If however, it should so turn out as to be in my power to serve General Martin, I shall assuredly do it. I have seen very few of the scurrilous papers that you allude to, but from those I have seen, it is my opinion that neither you nor I may be much disturbed at their effects, since it is not possible that they can have influence with any whose good opinion is worth having. Of all the anonymous nonsense and adulation that I have met with, Decius is the most contemptible; his effusions, nevertheless, are pretty similar to the genius and spirit that has animated the rest of his party. Nothing more than report of the Spanish proceeding have reached me; the public consideration here has never yet turned upon anything of the kind. The state of Georgia did, last July, make an offer to the then Congress, of ceding part of her western territory to the United States; but the terms of cession were then clogged with so many oppressive conditions, that the cession was not accepted. I do not know that the state has since receded from the terms it then proposed; whenever anything relative to that business shall come on the carpet, I will inform you. An act has passed the Congress for administering the constitutional oath, and an impost bill is now before the Senate, from the

House of Representatives; the duties are thought too high, and we are proposing a reduction. A long regulating bill, for securing the collection, is now in the House of Representatives; and in the Senate, a plan is forming for establishing the judiciary system. So far as this has gone, I am satisfied to see a spirit prevailing that promises to send this system out free from those vexations and abuses that might have been warranted by the terms of the constitution. It must never be forgotton, however, that the liberties of the people are not so safe under the gracious manner of government, as by the limitation of power. Mr. Madison has given notice, that, on Monday s'n-night he will call for the attention of the house to the subject of amendments. I apprehend that his ideas, and those of our convention, on this subject, are not similar. We shall carefully attend to this, and when the plan comes to the senate, we shall prepare to abridge, or enlarge, so as to effect, if possible, the wishes of our legislature. I think, from what I hear and see, that many of our amendments will not succeed, but my hopes are strong that such as may effectually secure civil liberty will not be refused. As two-thirds of the legislatures have refused to apply for a general convention, the Congress, it seems, can constitutionally only submit their propositions of amendments to the legislatures, or to state conventions; but, I suppose, neither of these modes will fail, where the design is more effectually to secure civil liberty; the wish to do which, was, I assure you, the sole reason that could have influenced me to come here, for I agree perfectly with you that your time of life and mine, after the turbulence we have passed through, renders repose necessary to our declining years. From what you write of the lands on the western frontier of Georgia, I suppose that you have views of family settlement there; as in that case, the Spaniards will be neighbours, I submit to your consideration, to reflect on the national character of that people, which seems to be firm and immovable in friendship, but very inveterate in enmity, peaceable and honest in their dealings, but jealous to an extreme of attempts upon their territory,

especially that from whence they derive their wealth. Will it not be prudent, for such as are their neighbours, to cultivate their friendship, rather than provoke their enmity? It appears to me, that a judicious procedure of this kind, may get every thing from their good will, whilst it will not be pleasant to be in enmity with them; more especially as there is little doubt, but that in case of quarrel with us, France will upon principles of the Bourbon alliance, inevitably join them. The English court have, for some time past, been assiduously courting the court of Spain to a commercial treaty, and I fear that our conduct has favoured their views; such a treaty would hurt us, in the same proportion that it will benefit our former enemies. The eyes of Europe are now turned upon the meeting of the states general in France. If that people succeed in restoring their ancient liberty, France will be the most potent empire in Europe. The war in the north of that part of the world, seems likely to continue, unless the peculiar state of England and of France should be the means of restoring peace. My brother Arthur desires his compliments to you; he has read your debates in convention, and accords with you in opinion about the probable issue of the present system.

I am, with great esteem and regard, dear Sir,
Your affectionate friend and servant,
RICHARD HENRY LEE.

PATRICK HENRY, ESQUIRE.

William Grayson to Patrick Henry.

N. YORK, 12th June 1789.

DEAR SIR: I arrived here about three weeks ago, in very poor condition indeed. I had a very severe attack of the gout in February, and the consequences of it have distressed me extremely ever since. I am now afflicted with a diarrhœa, though I hope I am on the mending hand.—Your agreeable favor was handed to me about a week ago. With

respect to the unmerited attacks on your character, I think they deserve nothing but contempt on your part. You have certainly adopted the dignified line of conduct, and I trust, & hope, you will persevere in it: Nothing would please the author so well as to enter into a literary altercation with you: he would expect to aggrandize himself from the character of his competitor. In my opinion such ill founded, bad digested calumny ought to give you no manner of uneasiness: Such kind of attacks on characters that are high in the public estimation, have been so frequent, & are so well understood, as not to deserve a moment's attention. Envy & detraction, says Mr. Addison, is a tax which every man of merit pays for being eminent & conspicuous. I observe what you say respecting Mr. Martin, and shall pay the most pointed attention thereto. I shall write you farther on this subject perhaps in a post or two.—With respect to the Spaniards, they certainly retain the Natches in their possession, under the supposition of conquest from the British, as also the exclusive right of navigating the river Mississippi; it is also certain they encourage emigration from the United States.—The case of Col° Morgan & his associates, as also of several other persons to whom they have granted passports on their agreeing to become British subjects is directly in point:—It is true also that their dependants, settled on St. Mary's river, encourage the Negroes of Georgia in running away from their masters, & these unhappy wretches they afterwards send to the Havannah, where they are sold to a company who put them to work in their mines. This information I had from one of the Senators of Georgia, who moreover told me that there were several complaints of this nature now resting with the Sec'y for foreign affairs, for the purpose of attaining redress of Gardoqui. With regard to the Navigation of the Mississippi, a gentleman who appears to have the confidence of the Presid[t] informed me he was clearly of opinion he would never consent to the surrender of the right to the Spaniards for a moment:—I hope & expect that this may be the case; however if this information should be thoroughly

founded, it is very different from active exertions towards procuring the immediate use of it for the benefit of the U. S.—It is said that Gardoqui will leave this place in the course of the summer, for old Spain, but this may or may not be true. I presume the event will depend very much on his negotiations with the new government.

With respect to the lands lying on the Mississippi, bounded by 31 north, Georgia claims the whole, & I believe does not mean to surrender a foot to the U. S.—This I consider as a very great misfortune, for if the government had a greater property in that quarter, & which they might dispose of for the payment of the gen^{l} debts, they would perhaps become more interested in the fate of the Mississippi—The old Congress had their eye on this territory & threw out several baits for the people of Georgia, North and South Carolina to induce them to make a surrender of lands—the latter were prevailed on to give up a portion perhaps half as large as the Northern neck of Virginia.

I am exceedingly sorry it is out of my power to hold out to you any flattering expectations on the score of amendments; it appears to me that both houses are almost wholly composed of federalists; those who call themselves Antis are so extremely lukewarm as scarcely to deserve the appellation: Some gentlemen here from motives of policy have it in contemplation to effect amendments which shall effect personal liberty alone, leaving the great points of the Judiciary, direct taxation &c, to stand as they are; their object is in my opinion unquestionably to break the spirit of the party by divisions; after this I presume many of the most sanguine expect to go on coolly in sapping the independence of the state legislatures:—In this system however of *divide* &c *impera*, they are opposed by a very heavy column, from the little States, who being in possession of rights they had no pretensions to in justice, are afraid of touching a subject which may bring into investigation or controversy their fortunate situation: Last Monday a string of amendments were presented to the lower House; these altogether respected personal liberty; & I would now en-

close you a copy, did I not know that Parker had done it already:—Even these amendments were opposed by Georgia, New Hampshire & Connecticut:—they were however submitted to a comm^ee^ of the whole on the State of the nation, & it is thought will not be taken up again for one while. I understood that the mover was so embarrassed in the course of the business, that he was once or twice on the point of withdrawing the motion, & it was thought by some that the commitment was more owing to personal respect than a love of the subject introduced.

In the Senate I think that prospects are even less favorable, although no direct proposition has yet been brought forward; I have suggested to my colleague the propriety of bringing forward the amendments of the state before the Senate, but he thinks it will be best to wait till they come up from the representatives.

Before my arrival I understood there was a great deal to do about *Titles*. A committee of the Senate reported the propriety of giving the President the title of, His Highness & Protector of the liberties of America, & I have no doubt that this folly would have been committed if the lower house had not refused their assent to the measure:—since I came here a question has arisen on application of the Clerk for instructions to designate the members in his entries on the journals. On this occasion I did not fail to express my dissaprobation of titles as inapplicable to republican governments. I believe there are about 4 other members who think with me on this subject:—however the point was carried for the present, that is, it was agreed this was not a proper time for investigation. The members are therefore known by the names of John, Thomas & Harry, according to the caprice of their parents.

Inclosed you have the bill for imposts, by which you will see there is a great disposition here for the advancement of commerce & manufactures in preference to agriculture: I have marked all the amendments made in the Senate that I at present recollect. The bill with the amendments, is before the lower house: you will easily perceive

the ascendancy of the Eastern interest by looking at the molasses, which is reduced to 2½ cents, while salt continues at 6, & with an allowance of a draw back to their fish &c.

A Bill was reported yesterday for arranging the Judiciary, by which all the states are thrown into districts & circuits. I have only heard it read once—of course know but little about it, but as it is very important, as soon as it is printed I will send you a copy.

Another bill is before the Senate for discriminating between American shipping & foreign shipping, & between foreign shipping in alliance with those not in alliance. I shall be extremely obliged to you for your sentiments on the doctrine of discriminations.

There is a bill now pending before the lower house for the collection of the revenue: The ports already agreed on, particularly in the Eastern States, will swallow up a great part of the revenue, & have no other good effects except that of creating dependants on the new government The raising money by impost has been thought very favorably of throughout America: I am however of opinion that considering the extent of our coasts, and the impossibility of preventing smuggling, that it will be found on experiment to be the most expensive mode of raising money that could have been devised. Satisfied I am it will be particularly injurious to the Southern States, who do not & cannot manufacture, & must therefore pay duties on every thing they consume. The cry here is, raise every thing this way; & to be sure this is good policy with the States east of Maryland; some of the other states join in the cry, not because it is their interest, but because they are afraid of trying any other mode of taxation. An excise is talked of, also a stamp duty, and I believe seriously aimed at by a good many—but whether there will be found a majority in both houses for this sort of business is more than I can pretend to determine—If the Antis have their uneasy sensations, in my opinion the federalists are not altogether on a bed of roses—The creditors of the domestic debt (the great supporters of the new government) are now look-

ing steadfastly on their friends for a permanent provision for their interest—But how is this to be accomplished—The Impost, after deductions for smuggling—Cutters—tide waiters, Searchers, naval officers, collectors & controllers &c &c, will not yield, after supporting the expences of government, more than will pay the French & Dutch interest, if so much—what is then to be done? Ah! there is the question——

There are an infinity of people here waiting for offices—many of them have gone home for want of money, this accounts for the great number of patriots who were so very sanguine for the new government—It is certain a hundredth part cannot be gratified with places, of course 99 will be dissatisfied.

There has been a most severe attack upon Governor Clinton: He has been slandered and abused in all the public newspapers for these five months by men of the first weight and abilities in the state. Almost all the gentlemen, as well as all the merchants & mechanics, combined together to turn him out of his office: he has had nothing to depend on but his own integrity & the integrity of an honest yeomanry, who supported him ag^{t} all his enemies—He did me the honor of a visit yesterday, & gave me such an account of this business as shocked me—As this gentleman is the great palladium of republicanism in this state, you may guess at the situation of anti-ism here, as he did not carry the election by more than 5 or 600.

Many gentlemen here are of opinion that the federalists aim at a limited monarchy to take effect in a short time, this however I doubt extremely, except in the Eastern States, who I believe if the question was left to them would decide in favor of one tomorrow. They say they have no surety in their fisheries or in the carrying business, or in any particular privileges with^{t} a strong government. Is it not strange that monarchy should issue from the East. Is it not still stranger, that John Adams, the son of a tinker, and the creature of the people, should be for titles & dignities & pre-eminencies, & should despise the Herd

and the ill born.—It is said he was the *primum mobile* in the Senate for titles for the President, in hopes that in the scramble he might get a slice for himself. The Comm^ee^ of the lower house have reported five thousand dollars for his salary, at which he is much offended, & I am in great hopes the house will still offend him more by reducing it.

June 13th

Since writing the above I have been informed, that Col^o^. Connelly has been in the district of Kentucky and made offers (in case of their effecting independence of the Union) of the assistance of the British to procure the navigation of the Mississippi—I am not at liberty to tell you my authority but I believe it to be true—perhaps you may have heard it before.—

I have also procured a copy of Col^o^. Morgan's hand bill, inviting a settlement under the authority of Spain at New Madrid, near the mouth of the Ohio on the Spanish side—A copy of this document I shall send you in my next unless I should have time to copy it before this goes off—One article at all events it may be not improper to send you at this time to wit—"All persons who settle with me at New Madrid and their posterity will have the free navigation of the Mississippi and a market at New Orleans free from duties for all the produce of their land where they may receive payment in Mexican dollars for their flour, Tobacco &c——"

I am sure I have fatigued you by this time. I shall therefore conclude with one request, which is, that as I shall write you frequently, & in all probability make free with men, measures, characters & parties, that our correspondence may be perfectly confidential & for ever confined to ourselves. This letter will go safe by a private hand—When I write by post it will be on general subjects.

I remain,
With the most sincere regard,
Y^r^ affec^t^ friend,
WILL^M^. GRAYSON.

To PATRICK HENRY, ESQ.,
Prince Edward, Va.

Joseph Martin to Patrick Henry.

TUGOLOE IN GEORGIA 2d July 1789.

DEAR SIR: I attended the intended treaty with the Cherokees on 25 last month on French Broad River, where the commisioners waited 12 Days over the time appointed for holding the treaty without hearing a word from the Indians, they then Decampt and went on to meet the Creeks. The prospect of that treaty together with the situation of the country I refer to the inclosed papers, one of which is a letter from Genl. Clark to Col Clevland which I had permission from Clevland to send for your information. About the time the Indians was expected they made an attack on this quarter, killed and wounded several, among which was Maj Walton who is now at my elbow, who I expect will expire in a few minutes from this time. Whoever may be in fault I will not undertake to say, but I believe you will think, after looking over things, that had some others been in the appointments things would have been on much better footing.

I also inclose a copy of Capt McCheskey's Deposition respecting the letter I mentioned to you, whether it would be well to send it on to Congress with a letter from me or not I leave to your judgment, if so I must beg that you will do that business; all and every kind of that I leave to you, beging that you will make use of my name in any letters you think proper.

I am told that Genl Matthews is making interest for to get a relation of his to be superintendant. I suppose will say much about the letter I wrote to McGilvery—tho hope that the delegation from Virginia will have as much wait as those from Georgia.

I have lately had several messages from the Cherokees to come to their counsile, but have put them off. Everything is like to succeed well if successful in my appointment.

There is a Certain Bennett Belue, a man of infamous

Character, who is set on by Mr. Sevier, who has collected a few of the fugitive Cherokees together, and forged a number of letters setting forth that he is appointed by the Chiefs of the Cherokees to do business for that nation, and has taken two Indians of the lower class with him to put a better face on the villiany, and has Got a Deed of lease from the Indians for great part of their Country. I undertake to assure you that not one of the principle Chiefs knows anything of the matter. This information I must beg that you will immediately transmitt to Congress to prevent imposition. I shall wait here a few Days Longer to see the final decision of the treaty.

I am much prest by the Commissioner of Georgia and Genl Clark to attend the treaty, saying they are sorry that anything was said respecting the letter, that every Genl in Georgia are much in my favor &c. I shall leave nothing in their power.

I shall take a tour in a few days thro' some of the Cherokee Towns & make a stand at the long Island untill sometime in September, if opertunity offers shall be glad of a few lines. Interim

Remain as usual your obliged humble
and most obdt ser.
Jos Martin.

Patrick Henry Esq^{r}.

Patrick Henry to Richard Henry Lee.

P. Edward, August 28th 1789.

Dear Sir: As I have had occasion to address a joint letter to you & the other gent^{n} from Virg^{a}, I could not let slip the opportunity of writing to you tho' but briefly, as the Business of the district Court presses on me just now. I have rec'd both of your favors, altho' they were long on the Road. I am very sorry to perceive that the malice of Gen^{l} Martin's Enemies has carried them so far as to charge

him with exciting the Indians to war. I am satisfied there's not any truth in the charge. Tis a pity the affair was not fully discussed. As to my opinion of the Amendments, I think they will tend to injure rather than serve the cause of liberty—provided they go no further than is proposed as I learn. For what good end can be answered by Rights, the tenure of which must be during pleasure. For Rights, without having power & might is but a shadow. Now it seems that it is not proposed to add this force to the Rights by any amendments. It can therefore answer no purpose but to lull suspicion to talk on the subject. While Impediments are cast in the way of those who wish to retrench the exorbitancy of power granted away by the constitution from the people, a fresh grant from them is made in the first moments of opportunity, & of a nature and extent too which full success in the Business of amendments could scarcely compensate. I mean the uncontrolled power of the President over the officers. See how rapidly power grows, How slowly the means of curbing it. That the president is to be accountable for the general success of government is precisely the principle of every Despotism—because if we look to him for success in every department he must have power over them, & having that power, which is necessary to secure success, he is *ipso facto*, a despot. Being so far from the seat of intelligence I can tell you nothing worth your hearing. Your letters, always acceptable, are more particularly so at this important time. May you long continue the friend and support of your country's best interests, and enjoy every good thing, is the sincere wish of, dear sir,

Your Affectionate friend and Servant,

P. HENRY.

The Honble RICHARD HENRY LEE OF THE SENATE AT NEW YORK.

Richard Henry Lee to Patrick Henry.

NEW YORK Sep. 14th, 1789.

DEAR SIR: I have written two letters to you since my receipt of yours dated March 23d, both which I enclosed to our friend Mr. George Fleming, at Richmond, and he has informed me of their safe arrival, and that he had forwarded them to you. I have since waited to see the issue of the proposed amendments to the constitution, that I might give you the most exact accounts of that business. As they came from the house of Representatives, they were far short of the wishes of our convention, but as they are returned by the Senate they are certainly much weakened. You may be assured that nothing on my part was left undone to prevent this, and every possible effort was used to give success to all the amendments proposed by our country. We might as well have attempted to move Mount Atlas upon our shoulders. In fact the idea of subsequent amendments, was little better than putting oneself to death first, in expectation that the doctor, who wished our destruction, would afterwards restore us to life. I am grieved to see too many look at the rights of the people as a miser examines a security, to find a flaw in it. The great points of free election, jury trial in criminal cases, and the unlimited rights of taxation, and standing armies, remain as they were. The most essential danger from the present system arises, in my opinion, from its tendency to a consolidated government, instead of a union of confederated states. The history of the world and reason concur in proving, that so extensive a territory as the United States comprehend, never was, or can be, governed in freedom under the former idea; under the latter it is abundantly more practicable, because extended representation, knowledge of characters, and confidence in consequence, secure that good opinion of rulers, without which fear, the offspring of force, can alone answer; for all free government resting on opinion, if that fails force must succeed; hence standing armies and despotism

follow. I take this reasoning to be irrefutable, and therefore it becomes the friends of liberty to guard with perfect vigilance every right that belongs to the states, and to protest against every invasion of them, taking care always to procure as many protesting states as possible; this kind of vigilance will create caution, and establish such a mode of conduct as will create a system of precedent that will prevent a consolidating effect from taking place by slow but sure degrees. A sufficient number of legislatures cannot be got at present to agree in demanding a convention, but I shall be very much mistaken indeed, if ere long a great sufficiency will not concur in this measure. The preamble to the amendments is really curious. A careless reader would be apt to suppose that the amendments desired by the states had been graciously granted, but when the thing done is compared with that desired, nothing can be more unlike. Some valuable rights are indeed declared, but the power to violate them to all intents and purposes remains unchanged.

The southern Indians having repeatedly declared the little confidence they had in the justice of the bordering states, it was thought that sending commissioners from hence to treat with them who were totally unconnected with the parties and their disputes, would be the most likely way to gain the Indian confidence, and thereby obtain a secure and lasting peace. Upon this idea three gentlemen have been sent from hence to treat with the Creeks, when probably some measures may be taken with the Cherokees also. In this mode of doing business there was no opportunity for suggesting General Martin; and those gentlemen who have gone, are only appointed *pro hac vice*, and return here when they have done the business. It is probable that this treaty will end in a large cession of territory to Georgia which may cause a cession of some part to the United States; in either case those who choose may have an opportunity of obtaining grants in that country, said to be a very fine one. As the laws that have passed Congress this session will all be sent to Richmond, where I am happy to hear you will be in

the Assembly, it is unnecessary for me to say anything of them in this letter, already I fear too long. It is now proposed to adjourn on the 22d inst. But I think it will be the first of October, before this result takes place. I am sure that nothing I write politically to you, will be improperly communicated. I am with the most cordial esteem and regard, dear sir, your most obedient and very humble servant,

RICHARD HENRY LEE.

P. HENRY ESQ.,
Virginia.

Patrick Henry to Thomas Madison.

P. EDWARD, Sept. 28th 1789.

DEAR SIR: A few Days past I wrote you a Letter by Mr Fontaine on the subject of my Brother's Bond. The Transaction is of long standing & I may have forgot what passed relative to it. But that I may give you all the Light I can, your Letter to me on the subject accompanies this. I send also by Neddy your Bond to me with the Endorsement made by Col. Christian. I will thank you for all the Information you can recollect on the subject of that also, for really it has escaped me, & I have no Entry relative to that affair. I wrote you that my Brother's personal Estate did not pay his Debts. The Fact is it fell short near one half, & there remains a British debt to be settled which he paid into the Treasury of abt 200 Dollars I believe. I wish you to make such a statement of the Affair between us as you think right, as I have the most perfect Relyance on what you shall think proper to do, & will be content therewith. The Bearer, my son, can give you & his Aunt all the Family News. My Wife joins in Love to my dear sister & the children & I am, dear sir,

Yr Afft.

P. HENRY.

THOMAS MADISON ESQ.,
Botetourt.

Richard Henry Lee to Patrick Henry.

N. YORK, September 27, 1789.

DEAR SIR: Yesterday's post brought me your favor of Augt. the 28th, and also the general letter to the representation of Va, concerning the P. E. Academy. As Congress adjourns the day after tomorrow, when we shall return to Virginia, it will not be much in our power before the next meeting, to attend to that business as we wish to do; however, what can be done shall be done. The letter you state to have been written previous to this upon the subject of the academy has not come to hand. We propose to advertise in the most read *Gazette*, that such a character is wanted, stating the terms generally, and to propose that the person willing to accept the trust either go to the Trustees, or by letter to settle the point with them as far as can be done in that manner. I fear that such a person as would be agreeable is not easy to be found disengaged, and at all events that he will expect a very considerable salary, since very large salarys are given in these parts on such occasions. My third letter to you on the 14th inst will satisfy you how little is to be expected from Congress, that shall be any ways satisfactory on the subject of amendments. Your observation is perfectly just, that right without power to protect it, is of little avail. Yet small as it is, how wonderfully scrupulous have they been in stating rights? The english language has been carefully culled to find words feeble in their nature, or doubtful in their meaning. The power of displacing officers was contested with a zeal and constancy that the nature of it deserved. In the Senate we were divided, so that the V. P. determined the question, as you will see in the Journal. This is one of the ill consequences derived from giving a person the right of voting in the Senate who is not a member of it, and who has so probable a prospect, as he may think, of coming to the possession of that power which he agrees to magnify! The contenders for this measure insisted that the Constitution

gave the power, this was at once to make it both absurd and arbitrary, because it expressly gives the P. a right to call upon the officers for information in writing concerning their departments—how ridiculous this, if it intended him the power to remove them from office at pleasure? What! vest a right to give political death, and say that the person so vested may demand a paper from him over whom he can exercise destruction. The next attempt, and which will probably succeed, is to send forth all process in the name of the P. instead of the U. S. only. Here is another absurdity. In England, they say the King can do no wrong. But here the P. may be impeached. There, process in the name of the culprit is not to issue for bringing witnesses to try him at the bar where he is put upon his defense, but here it may. But where consolidation is the plan, the state's authority must be kept out of view as much as possible, and the head of the empire shewn as much as may be. These things demonstrate the vigilance necessary to guard against encroachments as was suggested in my last letter. The appointments to offices in the great and influential departments are pretty universally among the most zealous federalists, the salaries are vast and the state departments and supports weakened by the drafts in this way made from them. Consolidation must therefore inevitably take place in process of time, without great care and much wisdom on the part of the states. The cause of public liberty and the success and strength of the Union depending essentially, in my opinion, upon the system of confederated republics, every wise and proper measure should be invariably pursued by the friends of freedom, both in the state and federal governments, to secure from invasion the just rights of the former. Let us take counsel from what we see, and fill our state offices with men of known attachments to radical amendments, and whose firmness and abilities may serve as a counterpoise to any attempts that may be made against statistical rights. Upon this principle, which appears to me to be not only wise but necessary, I recommend my brother A. Lee, Esq. to your friendship.

He is devoted to liberty, and has greatly suffered in its cause. He has been thoroughly bred to law, he has taken the Barrister's gown, and has plead with applause at the English Bar, before he quitted it to serve his country as a foreign minister of the U. States. He has been deeply versed in politics, and intimately knows those of America. I refer you to him for a more lengthened detail of politics and opinions here than it is convenient for me to write. If his opposition to the constitution should have been a cause for rejecting his abilities and long public services from this system, it seems to be a powerful reason for admitting him into the service of the State, where I believe he will be eminently useful. By an address, received two days ago from the Assembly of R. Island (copy of which I will send you by my brother) to the federal government, it appears to me as if they intended to keep out of the Union until effectual amendments were made. We ought in common prudence to have done the same. Does N. C. design to act in the same manner?

I am, dear sir, with the most affectionate esteem,

Your friend & servant,

RICHARD HENRY LEE.

To PATRICK HENRY ESQ.

P.S.—I refer you to my last letter for further observation on Gen[l] Martin. You will see by that how the manner of treating with the Indians necessarily prevented his appointment, if other difficulties had been removed. But at present no such office as a standing Indian agent is appointed. The Government of the Western Territory is charged with such affairs.

William Grayson to Patrick Henry.

NEW YORK Sep^{r} 29th 1789.

D^{R} SIR: I have received your favor for which I am exceedingly thankful; indeed I was very uneasy at not hearing from you, apprehending some indisposition might have prevented you. I remain still in a low state of health, but hope to get better from a cessation of business and from exercise.

The session is this moment closed, and the members would have parted in tolerable good temper if the disagreeable altercations on the score of the seat of government had not left very strong impressions on the minds of the southern gentlemen; they suppose, with too much reason, that the same kind of bargaining which took effect with respect to the Susquehannah may also take effect in other great national matters, which may be very oppressive to a defenceless naked minority. The bill has been ultimately defeated in the senate, and the point remains open, but gentlemen now begin to feel the observations of the Antis, when they informed them of the different interests in the union, and the probable consequences that would result therefrom to the Southern states, who would be the milch cow out of whom the substance would be extracted; if I am not mistaken, they will 'ere long have abundant cause to conclude that the idea of a difference between carrying states and productive states is not a mere phantom of the imagination. If they reflect at all on the meaning of protecting duties, by way of encouragement to manufactures, and apply the consequences to their own constituents, I think they would now agree that we were not totally beside ourselves in the convention. In my opinion whenever the impost bill comes into action the federals of the south will be let into some secrets that they do not, or will not at present apprehend. You would be astonished at the progress of manufactures in the seven eastmost states. If they go on in the same proportion for seven years they will pay very little imposts,

while the south will continue to labor under the pressure. This added to the advantage of carrying for the productive states will place them in the most desirable situation whatever. With respect to amendments matters have turned out exactly as I apprehended from the extraordinary doctrine of playing the after game. The lower house sent up amendments which held out a safeguard to personal liberty in great many instances, but this disgusted the senate, and though we made every exertion to save them, they are so mutilated and gutted that in fact they are good for nothing, and I believe, as many others do, that they will do more harm than benefit. The Virginia amendments were all brought into view and regularly rejected. Perhaps they may think differently on the subject the next session; as Rhode Island has refused for the present acceding to the constitution; her reasons you will see in the printed papers. There are a set of gentlemen in both houses who during this session have been for pushing matters to an extraordinary length; this has appeared in their attachment to titles, in their desire of investing the President with the power of removal from office, and lately by their exertion to make the writs run in his name. Their maxim seems to have been to make up by construction what the constitution wants in energy. The Judicial bill has passed but wears so monstrous an appearance that I think it will be *felo de se* in the execution. The amendment of Virginia respecting this matter has more friends in both houses than any other, and I still think it probable that this alteration may be ultimately procured. Whenever the federal judiciary comes into operation I think the pride of the states will take the alarm, which added to the difficulty of attendence from the extent of the district in many cases, the ridiculous situation of the venue, and a thousand other circumstances, will in the end procure its destruction.

The salaries I think are rather high for the temper or circumstances of the union, and furnish another cause of discontent to those who are dissatisfied with the government.

I have made every exertion in favor of Mr. Martin, but there have been such representations against him, that I fear he will derive no benefit from anything in my power to effect.

With respect to the lands at the Natches, they are unquestionably, according to prevailing ideas, the property of Georgia, but the Spaniards are in the actual possession, and hold it by force. Georgia some time ago offered to cede a great part of their state including this territory to congress, but the cession was so loaded, as they conceived, with unreasonable conditions, that they rejected it. It is highly probable that the present treaty will produce peace with the Creeks, and that excellent lands may be procured reasonably on the Altimaha; if I can be of any service to you in this or any other matter your commands will be a pleasure. I remain with the highest respect

Y^r affect frd, and
most obedient serv.
WILL^M GRAYSON.

P. HENRY ESQ.
Prince Edward.

Joseph Martin to Patrick Henry.

Jan the 18^th 1790.

DEAR SIR: Your much esteemd favour of the 10 instant reached me on Saterday last—I have Carefully looked over it and am sincerely sorry that I cannot at this time wait on you which nothing should prevent only the situation of my wife, particulars on that I refer to mr Fountain; nothing on this side the grave can give me greater pleasure than to serve you and will with pleasure go to the Chickasaw nation. But I don't think it will answer any valuable purpose unless I had some appointment from Congress in the Indian department as Savier & Belue have their eyes on that spot of ground—Belue is now in the Chickasaw nation and claims

all that valuable part in your purchase which you will see by his advertisment, which I inclose (You will please to send it back), and should any person go there on that business without some authority from Congress, their life might be in danger without answering any desirable purpose—

I am told Savier is trying hard to be appointed superintendant, and has several friends in the north Carolina assemble who have written in favour of him to Congress, they are through him to share part of that valuable purchase you have lately made—

Could I get appointed, which I think might be affected by sending immediately to Congress, you will see what Governor Martin says about it. The senator from North Carolina will interfere in my favour. I think nothing is now wanting but your friendship which I have long experienced and cannot have the least doubt of. Governor Martin is somewhat mistaken respecting Belues information about McGillveray's letter; that complaint came by way of the Governor of Georgia altho' Belue Lodged sundry complaints set on by Savier.

Respecting the letter that has made such a noise, if ever I had the interest of the states at heart, never more than at that time, if you will be so obliging as to charge your memory you will I trust remember that when you was Governor last I informed you that a letter rec'd from McGillavray advising me to come there, if he could serve he cheerfully would, also a message from the Governor of New Orleans desiring I would come there without loss of time, I immediately sent to you for your advice in that matter which was not to go myself but send some person to try to find out what his business might be, perhaps some scheme forming against the United States, perhaps Mr. Turnbull might fish it out or some Indian might be of service. If you remember the letter and will state the matter to the president every dificulty will be removed, tho everything of this I leave to you, whether to write in my name as well as your own, or whether in either—

I wrote you some days past on the subject, inclosing a re-

port of the committee, by John Rowland, he has returned I am told and left the letter on the road in his waggon box.

Your advice to me as governor of Virginia was a principle reason why I kept up a communication with McGillavrery by which I obtained many pieces of information, & had the Spaniards made any attempt on the United States I am well assured I should have got information in time to give public notice before any blow could be struck.

Pray did you send on the despatches I sent by the mountain leader, did you get the money from Congress, whether shall I send the negro-boy to Joseph Moltons or not. He says he is to be redeemed in march next, let me hear from you by Mr. Fountain. It gives me pain that I can't come down with him, but perhaps it may do after his return, my wife will by no means part with me at this time.

I am Sir,
With very Great regard
Your most obt serv.
Jos Martin.

To Hon. Patrick Henry,
Prince Edward Co.

Patrick Henry to General Joseph Martin.

January 25th 1790.

Dear Sir: I was sorry it did not suit you to come down, and indeed I think it is probable Congress might not like that you should meddle in any matters with the Indians, or Indian purchases, while you are applying for an appointment under them. But one's being a purchaser from the State cannot justly offend any body; altho' I know the Northern people will dislike it, knowing that you had spent the prime of your days in serving the public, & that after all the Hazards you have run, that you have not acquired so much property as many others would have done in your situation, I was desirous to throw something in

your way by which some fine lands would have been offered to you in our purchase. But being under the necessity of sending out instantly, the Company have agreed with another gentleman as it did not suit you—I yet hope you may do some thing in the Land way about the Bent, as I know you have done something thereabouts, but what, I don't know—If you will write me, I will endeavour to serve you in that affair, as Cox is to come this way soon, & doubtless will not scruple to allow all just claims, because I think they can be forced from him. Before I could serve you effectually in it, I must see every paper you have, & know what has been done under the first Resolutions of the Georgia Assembly. I think it more necessary for you to stir now, as this is the last time any thing can be done in that way—I was induced to write you about our company's business, as Congress & the president seem unwilling to trust Indian affairs to people this way, & the appointment of Lincoln, Humphreys, & Griffin confirmed the Conjecture—The Northern people will probably embarrass Indian affairs—otherwise the Balance of power will come to the South. This I fear there is ground to apprehend from some late transactions—but keep this hint to Yourself—My Friends Lee, Grayson & Bland wrote me they should take every opportunity to promote your interest, but that some Georgia gentlemen made a great noise against you about the letter to M^{c}Gilvray, and they doubted of your success on that account. I sent on your letters, which Piamingo brought down, by a safe hand, and shall send on those which Mr. Fontaine brought by the first good opportunity. But it is worth considering whether you might not do something clever in the land way, which may be in the end more advantageous than the bare opportunity of agent—especially as I hear N^{o} Carolina has again ceded her western lands and people to congress. If this is really the case, it will make a fine opening, & you may turn it to vast advantage by rightly managing the affair. The people must have a convention, and a vast opening presents; for they must be considered as the proprietors of the soil. I am not certain

what the act of assembly says—pray write me and let me know particularly what it contains, & whether it gives the people & the territory to congress. I made several applications to congress respecting your pay—They have failed because they did not come through the several offices of congress with vouchers. My friend Mr. Deane informed me he had put the affair into the hands of Mr. Dunscombe, who had hopes of settling it to satisfaction. But I have never yet heard the event. I observe Ballew's advertisement, & think it is done by way of joke upon him. If you see the Mountain Leader, great caution must be used with him, for fear of giving him bad impressions of our purchase, which I know many people wish to do out of envy; but I think you had better see Mr Ross & me before you do go out; for we both think great things may be done, if the western country of Carolina is given to congress, & can make you sensible of it, if the country is given away.

I cannot with propriety write to the president on your affair, but I will inclose the report you now send & other papers in your favor to our senators as quickly as I can. I will also state what I do remember respecting McGilvray's letter, & my ideas of your corresponding with him. It is in substance as you mention.

I send back Ballew's paper, and find the land he mentions is included in our grant. I look on him as a trifling fellow. It will be hard indeed if a Sevier should be prefer'd to you. But there is no rule to judge by these times. My letters in your favor shall go by the first safe hand, but I fear some time may elapse before I get one this dead time of the year. In case you fail of that, it may be well for you to look out for some chance to get western lands as the time for it will soon be over. I mean you to keep the boy, and I accepted your offer to take 250 Dollars, if congress will pay them. I have been at much trouble about the affair, and for your sake as well as my own, intend to plague them out of it, if possible. I drew an order in your name, & I think the next time I see Mr. Deane, I can be able to inform you whether there is any prospect of ever getting the

money paid—I shall prepare my letters respecting you to-morrow, and wait sending them 'til a safe conveyance offers —pray write me, and let me know about the Carolina act of Assembly particularly—perhaps m^r^ Fontaine, or George, can tell you of an opportunity to send me a letter. I intend to buy a share in the Tenessee company if Cox is not too dear with it, I am

Dear Sir,
Yr Friend &
Servant,
P. HENRY.

TO COLONEL JOSEPH MARTIN.

I enclose all the papers which Gov Martin sent you to my friends in congress—If you go to see Piamingo, pray see me & Mr. Ross first. We are joined in interest in western land matters.

Patrick Henry to Richard Henry Lee.

P. EDWARD, VIRG^A^, Jan 29^th^ 1790.

DEAR SIR: After thanking you, as I do most sincerely, for your communications previous to your recess, I beg leave again to trouble you on the subject of General Martin's application for the agency of Indian affairs to the south. This I do at his most earnest request. Indeed the allegations against him seem to call for some vindication of his conduct, which would be easily effected but for the great distance from the seat of government. You will see by the papers which I inclose that he has brought on an enquiry into his conduct, & how it has terminated, and that Gov^r^ Martin has written to the President in his favor, and has sent to General Martin a copy of what he wrote. I shall here relate the substance of his communication to me when I was last in the Executive, and while he acted as superin-

tendant for this state of Indian affairs. He [General Martin] informed me McGilvray had several times sent him word to make him a visit and carry on a correspondence, and at length wrote him a letter, which he put into my hands, the substance of which was as above. He desired my opinion on the matter. I encouraged him so far to cultivate McGilvray as, if possible, to fathom his views and keep the Indians from our people; at the same time by means of the Indians or others to discover the extent and nature of McGilvray's connections with the Spaniards. I am satisfy'd Mr Martin proceeded on this Idea: for he quickly satisfyed me of the Spanish policy respecting the Indians, sending me a commission given to a Creek Indian by the Spanish governor constituting him an officer. How necessary it must be to discover these and similar practices with the Indian tribes, it is easy to see; & that the interest of the U. States and of this state required, that McGilvray's ill designs, if he had any, should be turned against him. General Martin's conduct so far as I could discern in that affair was really praise-worthy. He frequently gave me intelligence of Creek Indian affairs, and of the intercourse between other Indians and the Spaniards that was interesting. I am satisfyed the correspondence as above took its origin as I have stated, and that General Martin in no respect turned it to the prejudice of any American state or citizen, on the contrary that he made it subservient to the purpose of gaining useful intelligence. How cruel then is it thus to blast the Reputation of a public servant, whose employment in a peculiar manner exposed him to the hatred and malevolence of the many intruders on Indian rights, and these indeed I believe he has constantly opposed, as they are constantly attacking him in one shape or other.

Pardon me sir, for reiterating this affair. I mean never to say any more of it; but General Martin asks it of me as a piece of justice to his character, and that which no other person could so properly state as myself.

If any other correspondence ever existed between Mar-

tin and McGilvray I never knew it, or had the least reason to suspect that the former swerved from his duty in it, but on the contrary had the best views as I think. As I troubled you formerly on this subject I thought it best through you to say thus much in justification of one to whom I do think great injustice has been done respecting this affair.

I wish it were in my power to tell you of any thing by way of news worth your hearing. I live too much secluded, & at this season there is but little intercourse here. No doubt you will hear of me or my doings in the Georgia purchase. All the companys together get 15,000,000 acres it is said. I am a partner in one, and I own to you that some late occurrences in politics first suggested the thought. For if our present system grows into tyranny is not a frontier possession most eligible? and a central one most to be dreaded? Is the seat of federal government desirable in any other view than the goodness of that government? I do indeed suppose that these speculations of mine relate to times when you and I shall be gone off the stage; but it is natural for us both to feel anxiety for our numerous familys, besides the concern common to every citizen. I am refining perhaps too much, & looking to a period too distant in my estimate of things. This last can be known only by beholding and mixing with the actors in the principal scenes of Business. A comfortable prospect of the issue of the new system would fix me here for life. A contrary one sends me southwestward. It may be that in some leisure moment you may give me your thoughts on our public affairs and their tendencys. In the business of the lately proposed amendments I see no ground to hope for good, but the contrary. Your friends think themselves under great obligations to you for your noble exertions, although they were not successful. Make my best regards to my friend, your son Ludwell, when you see him. I did not know his abilities till of late, or I should have congratulated you sooner on having such a son. His modesty concealed them: but his sweetness of disposition will enhance

them. Adieu my dear sir and believe me your friend and servant P. HENRY.

To the Hon. RICH^{D} HENRY LEE.

P.S. I have just received a copy of an act of assembly of North Carolina for ceding to congress all the territory on the western waters, or nearly all, together with the people. So many reservations of land rights are contained in the act, that I fancy little will remain for congress. But indeed I am astonished at the depravity which marks this transaction. Careful as they have been to save all just rights (& I believe more) in the lands, they have violated every right of citizenship; for, as I hear, no convention of the people ceded was had to consult on the subject of this transfer, but they and their country are voted away to congress by a majority of the legislature of the old state. In this the district ceded had comparatively a very small number. If this proceeding is countenanced by congress, it will form a precedent alarming as I think, and strongly tending to establish this belief, that state governments are not to be trusted: Besides the invitation it will give to intrigue and faction. But if congress accept the cession will they not sanction the most manifest violation of rights that can be committed. For expatriation of a part of the community is not a power included among those exercised by assemblys in America convened for ordinary legislation. If then the act of cession is unconstitutional can congress derive any right under it.

I hear the number of people ceded is more than 20,000 of all ages; perhaps near 30,000.

Patrick Henry to Richard Henry Lee.

P. EDWARD, Feb. 8th 1790.

DEAR SIR: A few days ago I wrote you a letter of some length; and among other things I mentioned Genl. Martin, and his affairs, about which I have given you so much trouble.

It is with reluctance I mention his business so often. It should have ended with the first mention of it, had not accusations against him been brought forth. It seemed necessary for his vindication, and in some measure for those who had recommended him, that the charges should be refuted. You should have been spared the Trouble of this had I not entirely forgot to enclose in my last the papers I now send herewith. I beg you to make just such use of them as may serve to wipe away the aspersions thrown on the person intended to be ruined in the public opinion. You will find the same party also endeavoured to ruin his son, W^m^ Martin, by accusing him of joining the Indians in their murdering partys. Will you be so good as to communicate what relates to Genl. Martin to our Friend Col. Grayson, as also the Hints I drop on the subject of the No. Carolina cession. The more I think of this the more dangerous it appears. I am told the people ceded are 30,000 Souls. Some say more, and some less. These people placed under a military Government together with the troops which may and will be placed there, will give energy and Force to northern councils in a part of the country very convenient for the Views of consolidation, if such shall govern. The Geography of the place renders the proceeding dangerous in the extreme to this country and to all the southern states. These observations go not to the Right of ceding a people to congress with their consent signified in a constitutional way, to wit: by a free convention of the people. Whether our Rulers will deem this Right of the people to be consulted on such an Occasion worth preserving, or whether it shall with so many other popular Rights be yielded up, I know not. But to me it is evident that the Right in question is one of the most valuable. Indeed without its full admission it seems no political Right whatever can exist. My conjecture is that the leading characters in the district are silenced by the receipt, or expectation, of certain things more flattering than the struggle for Rights, which promise nothing but an equality, which ambition abhors—a precedent of cession like the present will go great lengths by and by.

Whenever you have leisure to touch upon this Point, or upon any other, you will give me very high gratification.

I am,

Dear Sir,

Your Friend & servant,

P. HENRY.

Honble R. H. LEE, ESQ.

N. B. If this cession is permitted, the country from the lakes to Georgia is under Congressional power. Is not this cause of alarm ?

Theodorick Bland to Patrick Henry.

NEW YORK, March 9th 1790.

DEAR SIR: The friendly wish with which your obliging favor of the 8th ultimo was concluded, for my health, was but just realized after a severe fit of the Gout, when your friendly and agreeable letter reached me. Scarce had I began my career of Politics in the great Sanhedrin, when that fell monster seized my hands and feet, knees and elbows, where he wreaked his vengeance for near a fortnight, but I thank God has spared my head, and left it in a better state than it has been in for ten months past, being now free of Vertigo. And I once more enjoy the pleasing hope of a good state of health with only semi-annual returns of that painful crisis of other disorders.

The transactions of congress from the first days of its commencing its operations to this hour, has confirmed me in the opinion, which I entertained on the day of its adoption by our state, viz., that the power in whom was vested the sword and the purse and a paramount authority, could have no competitor. From that moment I have bounded my hopes to the single object of securing (in terrorem) the great and essential rights of freemen from the encroachments of Power—so far as to authorize resistance when

they should be either openly attacked or insidiously undermined.

This is the Polar star of my politics. The sacrifice of states' rights has in my opinion been offered up, and has already bled its vital drops. Let those who led it to the altar bring thither their repentance as an atonement. I find they are beginning to be astonished at their own work, and every step which federal government takes, shakes that resolution which they so fully proposed at the adoption, and they, like the stormy ocean when it returns to a calm, wonder at the ruin they have made. Having sworn to support the constitution, I feel myself impelled on all occasions to try how far its energy may be made useful for the preservation of peace and harmony. To this point are all my secondary views directed. Clashing powers and interfering jurisdictions appear to me the weak side of our present incongruous machine—well am I aware that from strong collisions sparks are generated, which will inevitably light up a flame unquenchable—but (perhaps) with Blood. You will not then be surprised to find me on every occasion (except where the great rights of man are concerned) on the side of energy and consolidation, for I never was a milk and water politician, and government with all its essential powers once assumed over so extended a dominion, I am firmly convinced must either fall into anarchy, or be supported with Vigor.

The first is an unbridled monster, and the second may peradventure be restrained, of two evils then let us choose the least. Thus have I explained to you, my dear sir, the principles by which my political conduct is actuated—happy shall I be if they meet your approbation—for next to that of my own conscience, the approbation of the good man and the virtuous patriot is the first wish of my heart.

You will no doubt have heard of, and have seen the secretary of the treasury's report, which has engrossed almost the whole attention of congress. That body have agreed to the funding the foreign debt according to the stipulations

at the time of borrowing; they have also agreed to fund both the principle and interest of the domestic debt of the United States, and have this day in a committee of the whole come to a resolution to assume the state debts, which are also to be funded. The states to have credit for such part of their debt as they have paid in interest or extinguished by their own exertions, which are to be liquidated, and the balance of the credit states carried to their credit, and of the Dr states placed to their debits: the quantum of interest is not yet ascertained. There are various modifications proposed, but it appears to me evident that the principals laid down must be violated by any thing short of 6 perct. I fear the *American fides* is not yet resigned for such a process, and that a Blot or stain will still be suffered to remain on it. I find that the boldest advisors of instituting a government to do complete justice shrink from the Idea of completing the work which they themselves advised.

Your Idea of the North Carolina cession strikes me forcibly, and alarms me not a little. It is an innovation on those rights which are in my eye the most sacred that a republican man professes, and I fear the pretended acquiescence of the people thus disfranchised is nothing more than the acquiescence of a party wishing to be aggrandized at the expense of those over whom they are to rule, this circumstance, however, has gone down in the house as I am informed without opposition, and I believe without examination. I congratulate you on the purchase you have made in Georgia, which I hope will turn out to your most sanguine expectations, and be not only a provision for your family, but an asylum from tyranny whenever it may arise or become oppressive to that freedom which I know you so highly prize, and for which you have been so long a firm and unshaken advocate. Believe me, Dr sr, that except hearing of your happiness and welfare, nothing will afford me more pleasure than frequently hearing from you, and participating in those sentiments on political subjects which flow with such spontaneity from you, and which may peradventure

correct those erroneous ones which the court air, and my own imbecility may produce in me. Believe me to be with the utmost respect and esteem,

Yr Friend and servant,

THEODERICK BLAND.

PATRICK HENRY, ESQ.,
Prince Edward, Virginia.

Richard Henry Lee to Patrick Henry.

NEW YORK, June 10th, 1790.

DEAR SIR: My ill state of health, the inclemency of the season appointed for the meeting of Congress, which in this place is most severely felt by all, and absolutely destructive to valitudinary people, prevented me from reaching Congress, before the 20th of April. Previous to my coming, the cession of North Carolina had been received, and legalized by both houses; and a temporary government there, similar to that west of Ohio, established. This system included the appointment of a governor of that district, who by the same system is also Indian agent, and authorized to transact all affairs with the Indians, in a more extensive and absolute manner than such agents have been heretofore authorized to do. This then being an office of great consideration and importance, you may easily see that it would be earnestly sought after, and attainable only by great interest, and particularly such, as was supported by persons in office here from that state, which had made the cession, as well as by those from Georgia, who were hostile to General M—n. On my arrival here, and finding your two letters, that had been here some time before, I immediately caused Governor Martin's to be P—d; the event has been, as apprehended, that your friend would fail, for Mr. William Blunt, of North Carolina, (heretofore in Congress, from that state,) has been appointed governor of the

ceded territory, and, as I have observed above, that appointment includes the Indian agency; thus this business has terminated. I should have given you this information sooner, but quickly after my arrival here, I was, with many others, taken extremely ill, so that my life was long in danger, and I was confined for near a month. The effects of this malady are still upon me, and my weakness so considerable, as to render writing painful to me. With my letters, I found one from you to Colonel Grayson, which I secured, and now return to you, presuming, that you designed it only for the inspection of the friend to whom it was addressed. It is impossible, for me to describe the scene here, and shall I content myself with saying, that every thing met with in my former life is mere trifling, compared with this, and you know that I have been in very stormy legislative scenes. The active and persevering efforts of those who have engrossed the public securities for little or nothing, not content with that advantage, must have six per cent forever, on the full nominal value of their possessions; so that a vast monied interest is to be created, that will forever be warring against the landed interest, to the destruction of the latter; and this evil, great as it would be, by funding the debts of the United States only, is to be increased ten fold, by the assumption of the state debts. By this plan the monied and the political speculator, will both be gratified; the former, by the way I have already stated, and the latter, by possessing the general government, with the sole cause, and consequently, with the whole power of taxation, and so converting the state legislatures into mere corporations. That this will be the consequence of funding the continental and state debts, amounting to about eighty millions of specie dollars, there can be no difficulty in foreseeing. There appears to be no prospect of further amendments to the constitution this session, and I own 'tis my wish that the amendments generally, as proposed at the last session, had been adopted by our legislature; for although there is much force in your observations, upon that subject, yet when I consider one great object of declara-

tions beyond which government may not go, to wit: that they inculcate upon the minds of the people, just ideas of their rights, it will always be hazardous for rulers, however possessed of means, to undertake a violation of what is generally known to be right, and to be encroachments on the rights of the community; besides that by getting as much as we can at different times, we may at last come to obtain the greatest part of our wishes. It would probably contribute as much to this end, if at the ensuing election of representatives, instructions were given by the people of those districts that send influential members here, to exert themselves to procure such additional amendments as have not yet been made. Such bad use has so often been made of my letters, that I am sure, the bare hint of this, is sufficient to secure your remembrance, that when I write to you, 'tis always in confidence. I shall be at all times happy to hear from you, being very sincerely, dear sir,

Your affectionate friend and ob't serv't,

RICHARD HENRY LEE.

PATRICK HENRY ESQ.
Virginia.

Patrick Henry to Mrs. Elizabeth Aylett.

LONG ISLAND, Octo. 26, 1793.

MY DEAR BETSY: Yours by Mr. Roane's man I received, and I have the satisfaction to inform you we are well except Johnny Christian, & Patrick, & they are recovering fast now. Poor Neddy has been at the point of death at Col° Meredith's. Your sister Fountaine & Dolly have been with him for some time. He was mended a little when we last heard from him, & there were hopes of his living—and I trust he mends or we should have heard before this. I should have gone to him, but had a pain in my hip. The flux has been very near us, but, it has pleased God, we escaped it. Many died of it and the whole

country here abouts has been sickly. Your Mama and myself are greatly obliged by your affection to Dolly, & I send a guinea by your sister Roane to pay for some small articles she had from a store at Aylett's which she says were 20 odd shillings. Your sister Roane can tell you all the little news of this family. The other children have been sick but are recovered. We shall go to Red Hill, 18 miles below this, in a few days, to spend 8 months, but spend the sickly season here. It would give me great pleasure to see you there or here with your little ones. However, at all times to receive letters from you affords me much comfort when they tell me of your welfare. I pray God to keep & preserve you, my dear child. I am your Affec^{te} Father,

P. HENRY.

MRS. ELIZABETH AYLETT,
King William.

We all join in our love to you, Mr. Aylett, & the Children.

Patrick Henry to Mrs. Elizabeth Aylett.

L. ISLAND, Sept. 8th, 1794.

MY DEAR BETSEY: I rec'd your agreeable letter by your sister Roane, and it gave me much satisfaction to hear of your being so well at so sickly a place as I fear yours is. I have great cause of Thankfulness for the health I enjoy, & for that of your Mama & all the children. For not one of us have been sick for a long time. Our working negroes on the River are indeed very sickly with the Ague. However it is not of an inveterate kind. We have providentially escaped the flux as yet, whilst many around us have died of it. I wish you were with us to enjoy the agreeable society of your sisters at this place, which is very retired; indeed so much so as to disgust Dolly & Sally. But as we go to Red Hill in August for five weeks, they will be relieved from this Solitude, as that is a more public place. I sincerely

wish with you that you were nearer to us, for it is really painful to me that I so seldom see or hear from you. We have another son named Winston. I must give out the law & plague myself no more with business, sitting down with what I have. For it will be sufficient employment to see after my little Flock, & the management of my plantation. Your Mama & Sisters are often speaking of you, & always concluding with wishes to see you. We expect your sister Fontaine & brother Neddy here this month. She has suffered a good deal from the great freshets, & I have lost my crop of tobacco on Staunton from a very great fresh, & was otherwise damaged. Your Mama & Dolly both write you & will supply any family news which I may omit. I will therefore conclude with my love to you all, & be assured that I am with unchanging affection,

My dear child's ever loving father,

P. HENRY.

MRS. ELIZABETH AYLETT,
King William County, Virginia.

Patrick Henry to John Preston.

RED HILL, Nov 29, 1796.

DEAR SIR: I am favored with yours by the Express which bro[t] to me an account of my Election to the chief Magistracy—For this great Honor I am truly thankful; & to you sir I am particularly indebted for the very friendly Interest you take in this Business.

It gives me pain to say, that advanced age and decaying Facultys leave me not to chuse, but impose upon me the necessity of declining this high Honor, and I leave it open for the further choice of the assembly, well assured that members may be found adequate to the Dutys of it.

With perfect Esteem & Regard I am, Dear Sir,
Your obliged Servant,

P. HENRY.

TO JOHN PRESTON ESQ[R],
Richmond V[a].

Patrick Henry to Philip Payne.

RED HILL, March 1798.

DEAR SIR: I am very much plagued by a man whose name I forget, who claims a steer which Bradley posted, & as he says was sent here as a beef—I know not how it is, as I never took notice of the supposed Stray—The man lives two miles from the Island over the River, & his conduct appears to me very suspicious; for he says he lost his 4 years ago, when a calf, & is willing to swear to his property though he has never seen it since—Observe Bradley found it at my place when he first came. This man lived close by, & all this time never claimed it, 'til he was sure Bradley's evidence would be lost by me when he should bring suit, which I suppose he certainly intended to do—He demands 20 dollars for his calf—& says Bradley did not post the steer according to law, & therefore will not take the appraised value, altho' that is so much above the value of what he lost, & will not agree to allow one farthing for raising it—I beg your pardon for troubling you with this matter. My excuse is that I am afraid to ride out on account of my Health, & this matter cannot be put off, because if this man sues me, I wish before he can do it to beg it of you to offer him such full Satisfaction, either in cash or cow kind as you think proper—I had rather exceed the bounds of justice than fall short of them—altho' I have a very bad opinion of the man, as he plainly aims at taking an unjust advantage of me. I know not how Bradley proceeded in posting the steer—You know how he sometimes blundered, but meant right. One thing vexes me—that is I was never sued in my life on my own account, & now to be sued & cast by this man, would concern me more than fifty times the value of the steer. Pray, my friend, relieve me by going to this man, taking Stanley with You, & do for me not so much what is right but make a sacrifice for peace, for after all the steer may be the man's property, nothwithstanding his suspicious conduct, & it

being mixed with the Stock I had with the place. By inquiring you will find Bradley did not conceal it—Mr Gilbert said it was Webster Gilbert's. Pray stop the fellow's mouth. I wish to get two barrels of flour from Lynchburg at Davis's. I am sir yours affectl'y, P. HENRY.

To PHILIP PAYNE ESQ.
Long Island.

Pray lose no time about the Steer; Bradley is to leave his oath ab^{t} him.

Patrick Henry to Mrs. Annie Roane.

RED HILL, August 1st, 1798.

MY DEAR ANNIE: This I expect will be delivered to you by your sister Kitty, who is lately marryed, & is on her way to Fleet's Bay. I hope & trust she will find you all well. I begin to think it long not to see you, but I hope you & Mr. Roane with the children will visit us now soon, & hope in future your visits will be more frequent. Thanks to God we enjoy health as yet, but this month & the next will try us. However last fall we were healthy. I find my own health & strength declining, but on the whole not more than my time of life might expect. One consolation as to Kitty is, she will not be very far from you & Betsey Aylett. Pray let me hear from you, my dear Annie, & believe me, with love to Mr. Roane & the children,

Your ever affectionate father,

P. HENRY.

To MRS. ANNIE ROANE,
King & Queen.

P.S. Your Mama's best love is sent.

Archibald Blair to Patrick Henry.

RICHMOND, January 13th 1799.

MY DEAR SIR: Your reply[1] to my letter of the 28 ulto. was highly gratifying to me, because I have the pleasure to find that I have been of the same sentiments with yourself, and because it completely gives the lie to the base insinuations uttered from time to time, that you were of the same politics with the opposition party, done, I am persuaded, with a view to procure proselytes to their disorganizing plans. I know you too well ever to believe that you would sacrifice *virtue*, *morality*, and *religion* to the prevailing mad philosophy—but unhappily for America, our youths have imbibed the poison, and having been born to liberty without knowing how they came by it, they are as prodigal in their politics as those young men generally are of their property, who were born to fortunes—They find means, either by their own activity, or the influences of their parents who favor them from motives of ambition, to obtain seats in our Legislature, from whence in my opinion, proceeds all our political calamities. The present assembly has gone further than any other to loosen the bonds of union—their resolves declaring certain laws of congress unconstitutional I make no doubt you have seen. It is thought they will go still further. A proposition I am told will be made for authorising the State Judges to supersede, by Habeas Corpus, decisions of the Federal Judges. I cannot believe that the good sense of the people will suffer a dissolution of the confederacy, but I apprehend, if the opposition party are permitted to go much further, a civil war with all its fatal consequences must ensue. We find our opposition members of Congress, despairing of success in that line, are resigning with a view to get into the legislature, where probably they may be more successful. I see but one barrier to it, and my hope rests upon it, that is my dear sir, for the true patriots of 1776 to come forward as

[1] Ante, vol. ii.

candidates at the next state elections. It seems unreasonable to call upon men advanced in life, who have finished their political career with so much honor to themselves and glory to their country; but the necessity of the case requires it, and sure I am that your presence alone in our assembly, would put opposition to flight, & save us from impending misery. You would speak truths, and the people would believe. I am now in my 23rd year of public servitude, during which time I have seen a variety of changes of both men and manners, and I freely own that I have seen none superior to those of seventy-six. General Marshall felt and expressed the highest satisfaction in your approbation of his private and public conduct; and I have the pleasure to inform you that there is little doubt of his success at the ensuing election. I pray God to multiply your blessings and the number of your days, so long as those blessings can be enjoyed, or life be desirable; and that hereafter you and your posterity may be crowned with eternal blessings. I shall endeavor to arm my children with the armour you point out, that they may be entitled to the like blessings.

I am Dr Sir with sincere regard,

Your friend & servt.

A. BLAIR.

TO PATRICK HENRY ESQ.
Charlotte County.

SPEECHES.

SPEECHES OF PATRICK HENRY

IN THE VIRGINIA CONVENTION OF JUNE, 1788, CONVENED TO CONSIDER THE QUESTION OF THE ADOPTION OF THE UNITED STATES CONSTITUTION.

These speeches were taken down in shorthand by David Robertson, Esq., of Petersburg, Virginia, who, in his preface to their publication, confesses that the report is neither full nor entirely accurate in what it contains, and states that his speeches were not revised by Mr. Henry. Yet the report is believed to be correct in giving the views of the speaker, and also as to diction in the main.

On June 4, the clerk read the preamble and the two first sections of the first article, and Mr. Nicholas opened the debate in a speech favoring adoption. Mr. Henry followed him.

MR. HENRY.—MR. CHAIRMAN: The public mind, as well as my own is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation—and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say, that they are exceedingly uneasy, being brought from that state of full security, which they enjoyed, to the present delusive appearance of things. A year ago the minds of our citizens were at perfect repose. Before the meeting of the late federal convention at Philadelphia, a general peace, and an

universal tranquillity prevailed in this country—but since that period they are exceedingly uneasy and disquieted. When I wished for an appointment to this convention, my mind was extremely agitated for the situation of public affairs. I conceive the republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system—it arises from a proposal to change our government—a proposal that goes to the utter annihilation of the most solemn engagements of the states, a proposal of establishing nine states into a confederacy, to the eventual exclusion of four states. It goes to the annihilation of those solemn treaties we have formed with foreign nations. The present circumstances of France—the good offices rendered us by that kingdom, require our most faithful and most punctual adherence to our treaty with her. We are in alliance with the Spaniards, the Dutch, the Prussians: those treaties bound us as thirteen states, confederated together. Yet here is a proposal to sever that confederacy. Is it possible that we shall abandon all our treaties and national engagements?—And for what? I expected to have heard the reasons of an event so unexpected to my mind, and to many others. Was our civil polity, or public justice, endangered or sapped? Was the real existence of the country threatened—or was this preceded by a mournful progression of events? This proposal of altering our federal government is of a most alarming nature: make the best of this new government—say it is composed by anything but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for instead of securing your rights, you may lose them forever. If a wrong step be now made, the republic may be lost forever. If this new government will not come up to the expectation of the people, and they should be disappointed—their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg gentlemen to consider, that a wrong step made now will plunge us into misery, and our republic will be lost. It will be necessary for this convention to have a faithful historical detail of the facts, that preceded the ses-

sion of the federal convention, and the reasons that actuated its members in proposing an entire alteration of government —and to demonstrate the dangers that awaited us: if they were of such awful magnitude, as to warrant a proposal so extremely perilous as this, I must assert, that this convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this enquiry of those worthy characters who composed a part of the late federal convention. I am sure they were fully impressed with the necessity of forming a great consolidated government, instead of a confederation. That this is a consolidated government is demonstrably clear; and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand, what right had they to say, *We, the People?* My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who authorized them to speak the language of, *We, the People*, instead of *We, the States?* States are the characteristics, and the soul of a confederation. If the states be not the agents of this compact, it must be one great consolidated national government of the people of all the states. I have the highest respect for those gentlemen who formed the convention, and were some of them not here, I would express some testimonial of esteem for them. America had on a former occasion put the utmost confidence in them; a confidence which was well placed: and I am sure, sir, I would give up anything to them; I would cheerfully confide in them as my representatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man, who saved us by his valor, I would have a reason for his conduct—that liberty which he has given us by his valor, tells me to ask this reason—and sure I am, were he here, he would give us that reason: but there are other gentlemen here, who can give us this information. The people gave them no power to use their name. That they exceeded their power is perfectly clear. It is not mere curiosity that actuates me—I

wish to hear the real actual existing danger, which should lead us to take those steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, sir, no dangers, no insurrection nor tumult, has happened—everything has been calm and tranquil. But notwithstanding this, we are wandering on the great ocean of human affairs. I see no landmark to guide us. We are running we know not whither. Difference in opinion has gone to a degree of inflammatory resentment in different parts of the country—which has been occasioned by this perilous innovation. The federal convention ought to have amended the old system—for this purpose they were solely delegated: the object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member, to know what danger could have arisen under the present confederation, and what are the causes of this proposal to change our government.

Governor Edmund Randolph followed Mr. Henry in support of the constitution, and was answered by George Mason, who in turn was replied to by James Madison. On June 5, Edmund Pendleton and Henry Lee spoke in advocacy of immediate adoption. When Lee sat down Mr. Henry arose and spoke as follows:

Mr. Henry.—Mr. Chairman: I am much obliged to the very worthy gentleman for his encomium. I wish I was possessed of talents, or possessed of anything, that might enable me to elucidate this great subject. I am not free from suspicion: I am apt to entertain doubts: I rose yesterday to ask a question, which arose in my own mind. When I asked that question, I thought the meaning of my interrogation was obvious: the fate of this question and of America may depend on this. Have they said, we the states? Have they made a proposal of a compact between states? If they had, this would be a confederation: It is otherwise most clearly a consolidated government. The question

turns, sir, on that poor little thing—the expression, *We the People*, instead of the states of America. I need not take much pains to show, that the principles of this system, are extremely pernicious, impolitic, and dangerous. Is this a monarchy, like England—a compact between prince and people: with checks on the former to secure the liberty of the latter? Is this a confederacy, like Holland—an association of a number of independent states, each of which retains its individual sovereignty? It is not a democracy, wherein the people retain all their rights securely. Had these principles been adhered to, we should not have been brought to this alarming transition, from a confederacy to a consolidated government. We have no detail of those great considerations which, in my opinion, ought to have abounded before we should recur to a government of this kind. Here is a revolution as radical as that which separated us from Great Britain. It is as radical, if in this transition, our rights and privileges are endangered, and the sovereignty of the states be relinquished: and cannot we plainly see, that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, are rendered insecure, if not lost, by this change so loudly talked of by some, and inconsiderately by others. Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans? It is said eight states have adopted this plan. I declare that if twelve states and an half had adopted it, I would with manly firmness and in spite of an erring world, reject it. You are not to enquire how your trade may be increased nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your government.

Having premised these things, I shall, with the aid of my judgment and information, which I confess are not extensive, go into the discussion of this system more minutely. Is it necessary for your liberty, that you should

abandon those great rights by the adoption of this system? Is the relinquishment of the trial by jury, and the liberty of the press necessary for your liberty? Will the abandonment of your most sacred rights tend to the security of your liberty? Liberty the greatest of all earthly blessings—give us that precious jewel, and you may take everything else. But I am fearful I have lived long enough to become an old-fashioned fellow. Perhaps an invincible attachment to the dearest rights of man, may, in these refined enlightened days, be deemed *old-fashioned*—if so, I am contented to be so: I say, the time has been, when every pulse of my heart beat for American liberty, and which, I believe, had a counterpart in the breast of every true American: but suspicions have gone forth—suspicions of my integrity—publicly reported that my professions are not real—twenty-three years ago I was supposed a traitor to my country: I was then said to be a bane of sedition, because I supported these rights of my country: I may be thought suspicious when I say our privileges and rights are in danger: But, sir, a number of the people of this country are weak enough to think these things are too true. I am happy to find that the gentleman on the other side, declares they are groundless: But, sir, suspicion is a virtue, as long as its object is the preservation of the public good, and as long as it stays within proper bounds: should it fall on me, I am contented: conscious rectitude is a powerful consolation: I trust there are many who think my professions for the public good to be real. Let your suspicion look to both sides: there are many on the other side, who possibly may have been persuaded of the necessity of these measures, which I conceive to be dangerous to your liberty. Guard with jealous attention the public liberty. Suspect every one who approaches that jewel. Unfortunately, nothing will preserve it, but downright force: Whenever you give up that force, you are inevitably ruined. I am answered by gentlemen, that though I might speak of terrors, yet the fact was, that we were surrounded by none of the dangers I apprehended. I conceive this new government to be one

of those dangers: it has produced those horrors, which distress many of our best citizens. We are come hither to preserve the poor commonwealth of Virginia, if it can be possibly done: something must be done to preserve your liberty and mine. The confederation; this same despised government, merits, in my opinion, the highest encomium: it carried us through a long and dangerous war: it rendered us victorious in that bloody conflict with a powerful nation: it has secured us a territory greater than any European monarch possesses: and shall a government which has been thus strong and vigorous, be accused of imbecility and abandoned for want of energy? Consider what you are about to do before you part with this government. Take longer time in reckoning things: revolutions like this have happened in almost every country in Europe: similar examples are to be found in ancient Greece and ancient Rome: instances of the people losing their liberty by their own carelessness and the ambition of a few. We are cautioned by the honorable gentleman who presides, against faction and turbulence: I acknowledge that licentiousness is dangerous, and that it ought to be provided against: I acknowledge also the new form of government may effectually prevent it: yet, there is another thing it will as effectually do: it will oppress and ruin the people.

There are sufficient guards placed against sedition and licentiousness: for when power is given to this government to suppress these, or, for any other purpose, the language it assumes is clear, express, and unequivocal; but when this constitution speaks of privileges, there is an ambiguity, sir, a fatal ambiguity—an ambiguity which is very astonishing. In the clause under consideration, there is the strangest language that I can conceive. I mean, when it says, that there shall not be more representatives, than one for every thirty thousand. Now, sir, how easy is it to evade this privilege? "The number shall not exceed one for every thirty thousand." This may be satisfied by one representative from each state. Let our numbers be ever so great, this immense continent may, by this artful expression, be reduced to have

but 13 representatives: I confess this construction is not natural; but the ambiguity of the expression lays a good ground for a quarrel. Why was it not clearly and unequivocally expressed, that they *should* be entitled to have one for every thirty thousand? This would have obviated all disputes; and was this difficult to be done? What is the inference? When population increases, and a state shall send representatives in this proportion, congress *may* remand them, because the right of having one for every thirty thousand is not clearly expressed; this possibility of reducing the number to one for each state, approximates to probability by that other expression, "but each state shall at least have one representative." Now is it not clear that from the first expression, the number might be reduced so much, that some states should have no representative at all, were it not for the insertion of this last expression? And as this is the only restriction upon them, we may fairly conclude that they *may* restrain the number to one from each state. Perhaps the same horrors may hang over my mind again. I shall be told I am continually afraid: but, sir, I have strong cause of apprehension. In some parts of the plan before you, the great rights of freemen are endangered, in other parts absolutely taken away. How does your trial by jury stand? In civil cases gone—not sufficiently secured in criminal—this best privilege is gone: but we are told that we need not fear, because those in power being our representatives, will not abuse the powers we put in their hands: I am not well versed in history, but I will submit to your recollection, whether liberty has been destroyed most often by the licentiousness of the people, or by the tyranny of rulers? I imagine, sir, you will find the balance on the side of tyranny. Happy will you be if you miss the fate of those nations, who, omitting to resist their oppressors, or negligently suffering their liberty to be wrested from them, have groaned under intolerable despotism! Most of the human race are now in this deplorable condition. And those nations who have gone in search of grandeur, power and splendor, have also fallen a

sacrifice, and been the victims of their own folly. While they acquired those visionary blessings, they lost their freedom. My great objection to this government is, that it does not leave us the means of defending our rights; or, of waging war against tyrants. It is urged by some gentlemen, that this new plan will bring us an acquisition of strength, an army, and the militia of the states. This is an idea extremely ridiculous: gentlemen cannot be in earnest. This acquisition will trample on your fallen liberty. Let my beloved Americans guard against that fatal lethargy that has pervaded the universe. Have we the means of resisting disciplined armies, when our only defence, the militia, is put into the hands of congress? The honorable gentleman said, that great danger would ensue if the convention rose without adopting this system. I ask, where is that danger? I see none. Other gentlemen have told us within these walls, that the union is gone—or, that the union will be gone. Is not this trifling with the judgment of their fellow-citizens? Till they tell us the ground of their fears, I will consider them as imaginary. I rose to make enquiry where those dangers were; they could make no answer: I believe I never shall have that answer. Is there a disposition in the people of this country to revolt against the dominion of laws? Has there been a single tumult in Virginia? Have not the people of Virginia, when laboring under the severest pressure of accumulated distresses, manifested the most cordial acquiescence in the execution of the laws? What could be more awful than their unanimous acquiescence under general distresses? Is there any revolution in Virginia? Whither is the spirit of America gone? Whither is the genius of America fled? It was but yesterday, when our enemies marched in triumph through our country. Yet the people of this country could not be appalled by their pompous armaments: they stopped their career, and victoriously captured them: where is the peril now compared to that?

Some minds are agitated by foreign alarms: Happily for us, there is no real danger from Europe; that country

is engaged in more arduous business; from that quarter there is no cause of fear: you may sleep in safety forever for them. Where is the danger? If, sir, there was any, I would recur to the American spirit to defend us;—that spirit which has enabled us to surmount the greatest difficulties: to that illustrious spirit I address my most fervent prayer, to prevent our adopting a system destructive to liberty. Let not gentlemen be told, that it is not safe to reject this government. Wherefore is it not safe? We are told there are dangers; but those dangers are ideal; they cannot be demonstrated. To encourage us to adopt it, they tell us, that there is a plain easy way of geting amendments. When I come to contemplate this part, I suppose that I am mad, or, that my countrymen are so. The way to amendment, is, in my conception, shut. Let us consider this plain easy way. "The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress. Provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate." Hence it appears that three-fourths of the states must ultimately agree to any amendments that may be necessary. Let us consider the consequences of this. However uncharitable it may appear, yet I must tell my opinion, that the most unworthy characters may get into power and prevent the introduction of amendments. Let us suppose (for the case is supposable, possible, and probable) that you happen to deal these powers to unworthy hands; will they relinquish powers already in their posses-

sion, or, agree to amendments? Two-thirds of the congress, or, of the state legislatures, are necessary even to propose amendments. If one-third of these be unworthy men, they may prevent the application for amendments; but what is destructive and mischievous is, that three-fourths of the state legislatures, or of state conventions, must concur in the amendments when proposed: in such numerous bodies, there must necessarily be some designing bad men. To suppose that so large a number as three-fourths of the states will concur, is to suppose that they will possess genius, intelligence, and integrity, approaching to miraculous. It would indeed be miraculous that they should concur in the same amendments, or, even in such as would bear some likeness to one another. For four of the smallest states, that do not collectively contain one-tenth part of the population of the United States, may obstruct the most salutary and necessary amendments. Nay, in these four states, six-tenths of the people may reject these amendments; and suppose, that amendments shall be op-opposed to amendments (which is highly probable) is it possible, that three-fourths can ever agree to the same amendments? A bare majority in these four small states may hinder the adoption of amendments; so that we may fairly and justly conclude, that one-twentieth part of the American people may prevent the removal of the most grievous inconveniences and oppression, by refusing to accede to amendments. A trifling minority may reject the most salutary amendments. Is this an easy mode of securing the public liberty? It is, sir, a most fearful situation, when the most contemptible minority can prevent the alteration of the most oppressive government; for it may in many respects prove to be such. Is this the spirit of republicanism?

What, sir, is the genius of democracy? Let me read that clause of the Bill of Rights of Virginia which relates to this: 3d cl. "That government is or ought to be instituted for the common benefit, protection, and security of the people, nation, or community; of all the

various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration, and *that whenever any government shall be found inadequate, or contrary to these purposes, a majority of the community hath, an indubitable, unalienable, and indefeasible right to reform, alter or abolish it in such manner as shall be judged most conducive to the public weal.*" This, sir, is the language of democracy; that a majority of the community have a right to alter their government when found to be oppressive; but how different is the genius of your new constitution from this? How different from the sentiments of freemen, that a contemptible minority can prevent the good of the majority? If then gentlemen standing on this ground, are come to that point, that they are willing to bind themselves and their posterity to be oppressed, I am amazed and inexpressibly astonished. If this be the opinion of the majority, I must submit; but to me, sir, it appears perilous and destructive: I cannot help thinking so; perhaps it may be the result of my age; these may be feelings natural to a man of my years, when the American spirit has left him, and his mental powers, like the members of the body, are decayed. If, sir, amendments are left to the twentieth or to the tenth part of the people of America, your liberty is gone forever. We have heard that there is a great deal of bribery practised in the house of commons in England; and that many of the members raised themselves to preferments by selling the rights of the people. But, sir, the tenth part of that body cannot continue oppressions on the rest of the people. English liberty is in this case, on a firmer foundation than American liberty. It will be easily contrived to procure the opposition of one-tenth of the people to any alteration, however judicious. The honorable gentleman who presides, told us that to prevent abuses in our government, we will assemble in convention, recall our delegated powers, and punish our servants for abusing the trust reposed in them. Oh, sir, we

should have fine times indeed, if to punish tyrants, it were only sufficient to assemble the people. Your arms wherewith you could defend yourselves are gone; and you have no longer an aristocratical, no longer a democratical spirit. Did you ever read of any revolution in any nation, brought about by the punishment of those in power, inflicted by those who had no power at all?

You read of a riot act in a country which is called one of the freest in the world, where a few neighbors cannot assemble without the risk of being shot by a hired soldiery, the engines of despotism. We may see such an act in America. A standing army we shall have also, to execute the execrable commands of tyranny: and how are you to punish them? Will you order them to be punished? Who shall obey these orders? Will your mace-bearer be a match for a disciplined regiment? In what situation are we to be? The clause before you gives a power of direct taxation, unbounded and unlimited: exclusive power of legislation in all cases whatsoever, for ten miles square; and over all places purchased for the erection of forts, magazines, arsenals, dock-yards, &c. What resistance could be made? The attempt would be madness. You will find all the strength of this country in the hands of your enemies: those garrisons will naturally be the strongest places in the country. Your militia is given up to congress also in another part of this plan: they will therefore act as they think proper: all power will be in their own possession: you cannot force them to receive their punishment: of what service would militia be to you, when most probably you will not have a single musket in the state? For as arms are to be provided by congress, they may or may not furnish them. Let me here call your attention to that part which gives the congress power "To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia, according

to the discipline prescribed by congress." By this, sir, you see that their control over our last and best defence, is unlimited. If they neglect or refuse to discipline or arm our militia, they will be useless: the states can do neither —this power being exclusively given to congress: the power of appointing officers over men not disciplined or armed, is ridiculous: so that this pretended little remains of power left to the states, may, at the pleasure of congress be rendered nugatory. Our situation will be deplorable indeed: nor can we ever expect to get this government amended, since I have already shown, that a very small minority may prevent it; and that small minority interested in the continuance of the oppression. Will the oppressor let go the oppressed? Was there ever an instance? Can the annals of mankind exhibit one single example, where rulers overcharged with power, willingly let go the oppressed, though solicited and requested most earnestly? The application for amendments will therefore be fruitless. Sometimes the oppressed have got loose by one of those bloody struggles that desolate a country. But a willing relinquishment of power is one of those things which human nature never was, nor ever will be capable of.

The honorable gentleman's observations respecting the people's right of being the agents in the formation of this government, are not accurate in my humble conception. The distinction between a national government and a confederacy is not sufficiently discerned. Had the delegates who were sent to Philadelphia a power to propose a consolidated government instead of a confederacy? Were they not deputed by states, and not by the people? The assent of the people in their collective capacity is not necessary to the formation of a federal government. The people have no right to enter into leagues, alliances, or confederations: they are not the proper agents for this purpose: states and sovereign powers are the only proper agents for this kind of government: show me an instance where the people have exercised this business: has it not always gone through the legislatures? I refer you to the

treaties with France, Holland, and other nations: how were they made? Were they not made by the states? Are the people therefore in their aggregate capacity, the proper persons to form a confederacy? This, therefore, ought to depend on the consent of the legislatures; the people having never sent delegates to make any proposition of changing the government. Yet I must say, at the same time, that it was made on grounds the most pure, and perhaps I might have been brought to consent to it so far as to the change of government; but there is one thing in it which I never would acquiesce in. I mean the changing it into a consolidated government; which is so abhorrent to my mind.

The honorable gentleman then went on to the figure we make with foreign nations; the contemptible one we make in France and Holland; which, according to the substance of my notes, he attributes to the present feeble government. An opinion has gone forth, we find, that we are a contemptible people: the time has been when we were thought otherwise. Under this same despised government, we commanded the respect of all Europe: wherefore are we now reckoned otherwise? The American spirit has fled from hence: it has gone to regions, where it has never been expected: it has gone to the people of France in search of a splendid government—a strong energetic government. Shall we imitate the example of those nations who have gone from a simple to a splendid government? Are those nations more worthy of our imitation? What can make an adequate satisfaction to them for the loss they have suffered in attaining such a government—for the loss of their liberty? If we admit this consolidated government, it will be because we like a great splendid one. Some way or other we must be a great and mighty empire; we must have an army, and a navy, and a number of things. When the American spirit was in its youth, the language of America was different: liberty, sir, was then the primary object. We are descended from a people whose government was founded on liberty: our

glorious forefathers of Great Britain, made liberty the foundation of every thing. That country is become a great, mighty and splendid nation; not because their government is strong and energetic; but, sir, because liberty is its direct end and foundation. We drew the spirit of liberty from our British ancestors: by that spirit we have triumphed over every difficulty. But now, sir, the American spirit, assisted by the ropes and chains of consolidation, is about to convert this country into a powerful and mighty empire; if you make the citizens of this country agree to become the subjects of one great consolidated empire of America, your government will not have sufficient energy to keep them together: such a government is incompatible with the genius of republicanism. There will be no checks, no real balances, in this government. What can avail your specious, imaginary balances, your rope-dancing, chain-rattling, ridiculous ideal checks and contrivances? But, sir, we are not feared by foreigners; we do not make nations tremble. Would this constitute happiness, or secure liberty? I trust, sir, our political hemisphere will ever direct their operations to the security of those objects.

Consider our situation, sir: go to the poor man, ask him what he does; he will inform you that he enjoys the fruits of his labor, under his own fig-tree, with his wife and children around him, in peace and security. Go to every other member of the society, you will find the same tranquil ease and content; you will find no alarms or disturbances! Why then tell us of dangers to terrify us into an adoption of this new form of government? And yet who knows the dangers that this new system may produce? They are out of the sight of the common people; they cannot foresee latent consequences. I dread the operation of it on the middling and lower classes of people: it is for them I fear the adoption of this system. I fear I tire the patience of the committee, but I beg to be indulged with a few more observations. When I thus profess myself an advocate for the liberty of the people, I shall be told, I am a designing man, that I am to be a great man, that I am to be a demagogue;

and many similar illiberal insinuations will be thrown out; but, sir, conscious rectitude outweighs these things with me. I see great jeopardy in this new government. I see none from our present one. I hope some gentleman or other will bring forth, in full array, those dangers, if there be any, that we may see and touch them.

I have said that I thought this a consolidated government: I will now prove it. Will the great rights of the people be secured by this government? Suppose it should prove oppressive, how can it be altered? Our bill of rights declares, "That a majority of the community hath an *indubitable*, *unalienable*, and *indefeasible right* to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal." I have just proved that one-tenth, or less, of the people of America, a most despicable minority, may prevent this reform or alteration. Suppose the people of Virginia should wish to alter their government, can a majority of them do it? No, because they are connected with other men; or, in other words, consolidated with other states; when the people of Virginia at a future day shall wish to alter their government, though they should be unanimous in this desire, yet they may be prevented therefrom by a despicable minority at the extremity of the United States. The founders of your own constitution made your government changeable: but the power of changing it is gone from you! Whither is it gone? It is placed in the same hands that hold the rights of twelve other states; and those who hold those rights, have right and power to keep them. It is not the particular government of Virginia: one of the leading features of that government is, that a majority can alter it, when necessary for the public good. This government is not a Virginian but an American government. Is it not therefore a consolidated government? The sixth clause of your bill of rights tells you, "That elections of members to serve as representatives of the people in assembly, ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment

to the community, have the right of suffrage, and *cannot* be *taxed* or *deprived* of *their property* for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented for the public good." But what does this constitution say? The clause under consideration gives an unlimited and unbounded power of taxation. Suppose every delegate from Virginia opposes a law laying a tax, what will it avail? They are opposed by a majority; eleven members can destroy their efforts: those feeble ten cannot prevent the passing the most oppressive tax-law. So that in direct opposition to the spirit and express language of your declaration of rights, you are taxed, not by your own consent, but by people who have no connection with you.

The next clause of the bill of rights tells you, "That all power of suspending law, or the execution of laws, by any authority without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised." This tells us that there can be no suspension of government, or laws without our own consent: yet this constitution can counteract and suspend any of our laws, that contravene its oppressive operation; for they have the power of direct taxation; which suspends our bill of rights; and it is expressly provided, that they can make all laws necessary for carrying their powers into execution; and it is declared paramount to the laws and constitutions of the states. Consider how the only remaining defence we have left is destroyed in this manner. Besides the expenses of maintaining the senate and other house in as much splendor as they please, there is to be a great and mighty president, with very extensive powers;—the powers of a king. He is to be supported in extravagant magnificence: so that the whole of our property may be taken by this American government, by laying what taxes they please, giving themselves what salaries they please, and suspending our laws at their pleasure: I might be thought too inquisitive, but I believe I should take up but very little of your time in enumerating the little power that is left to the government

of Virginia; for this power is reduced to little or nothing: their garrisons, magazines, arsenals, and forts, which will be situated in the strongest places within the states: their ten miles square, with all the fine ornaments of human life, added to their powers, and taken from the states, will reduce the power of the latter to nothing.

The voice of tradition, I trust, will inform posterity of our struggles for freedom: if our descendants be worthy the name of Americans, they will preserve and hand down to their latest posterity, the transactions of the present times; and though, I confess, my exclamations are not worthy the hearing, they will see that I have done my utmost to preserve their liberty: for I never will give up the power of direct taxation, but for a scourge: I am willing to give it conditionally: that is, after non-compliance with requisitions: I will do more, sir, and what I hope will convince the most sceptical man, that I am a lover of the American union; that in case Virginia shall not make punctual payment, the control of our custom-houses, and the whole regulation of trade, shall be given to congress, and that Virginia shall depend on congress even for passports, till Virginia shall have paid the last farthing: and furnished the last soldier. Nay, sir, there is another alternative to which I would consent: even that they should strike us out of the union, and take away from us all federal privileges till we comply with federal requisitions; but let it depend upon our own pleasure to pay our money in the most easy manner for our people. Were all the states, more terrible than the mother country, to join against us, I hope Virginia could defend herself; but, sir, the dissolution of the union is most abhorrent to my mind: the first thing I have at heart is American *liberty;* the second thing is American *union;* and I hope the people of Virginia will endeavor to preserve that union. The increasing population of the southern states, is far greater than that of New-England: consequently, in a short time, they will be far more numerous than the people of that country; consider this, and you will find this state more particularly interested to support American liberty

and not bind our posterity by an improvident relinquishment of our rights. I would give the best security for a punctual compliance with requisitions; but I beseech gentlemen, at all hazards, not to give up this unlimited power of taxation. The honorable gentleman has told us that these powers given to congress, are accompanied by a judiciary which will correct all: on examination you will find this very judiciary oppressively constructed; your jury-trial destroyed, and the judges dependent on congress.

In this scheme of energetic government, the people will find two sets of tax-gatherers—the state and the federal sheriffs. This it seems to me will produce such dreadful oppression, as the people cannot possibly bear: the federal sheriff may commit what oppression, make what distresses he pleases, and ruin you with impunity: for how are you to tie his hands? Have you any sufficient decided means of preventing him from sucking your blood by speculations, commissions and fees? Thus thousands of your people will be most shamefully robbed: our state sheriffs, those unfeeling blood-suckers, have, under the watchful eye of our legislature, committed the most horrid and barbarous ravages on our people: it has required the most constant vigilance of the legislature to keep them from totally ruining the people: a repeated succession of laws has been made to suppress their iniquitous speculations and cruel extortions; and as often has their nefarious ingenuity devised methods of evading the force of those laws: in the struggle they have generally triumphed over the legislature. It is a fact that lands have sold for five shillings, which were worth one hundred pounds: if sheriffs thus immediately under the eye of our state legislature and judiciary, have dared to commit these outrages, what would they not have done if their masters had been at Philadelphia or New York? If they perpetrate the most unwarrantable outrage on your persons or property, you cannot get redress on this side of Philadelphia or New York: and how can you get it there? If your domestic avocations could permit you to go thither, there you must appeal to judges sworn to support

this constitution, in opposition to that of any state, and who may also be inclined to favor their own officers. When these harpies are aided by excise-men, who may search at any time your houses and most secret recesses, will the people bear it? If you think so, you differ from me. Where I thought there was a possibility of such mischiefs, I would grant power with a niggardly hand; and here there is a strong probability that these oppressions shall actually happen. I may be told, that it is safe to err on that side; because such regulations *may* be made by congress, as shall restrain these officers, and because laws are made by our representatives, and judged by righteous judges: but, sir, as these regulations may be made, so they may not; and many reasons there are to induce a belief that they will not: I shall therefore be an infidel on that point till the day of my death.

This constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful: among other deformities it has an awful squinting; it squints toward monarchy; and does not this raise indignation in the breast of every true American? Your president may easily become king: your senate is so imperfectly constructed that your dearest rights may be sacrificed by what may be a small minority; and a very small minority may continue forever unchangeably this government although horridly defective: where are your checks in this government? Your strongholds will be in the hands of your enemies; it is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded: but its defective, and imperfect construction, puts it in their power to perpetrate the worst of mischiefs, should they be bad men: and, sir, would not all the world, from the eastern to the western hemisphere, blame our distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty? I say that the loss of that dearest

privilege has ever followed with absolute certainty, every such mad attempt.

If your American chief, be a man of ambition, and abilities, how easy it is for him to render himself absolute! The army is in his hands, and, if he be a man of address, it will be attached to him; and it will be the subject of meditation with him to seize the first auspicious moment to accomplish his design; and, sir, will the American spirit solely relieve you when this happens? I would rather infinitely, and I am sure most of this convention are of the same opinion, have a king, lords, and commons, than a government, so replete with such insupportable evils. If we make a king, we may prescribe the rules by which he shall rule his people, and interpose such checks as shall prevent him from infringing them: but the president in the field at the head of his army can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke. I cannot with patience think of this idea. If ever he violates the laws, one of two things will happen: he will come at the head of his army to carry everything before him; or, he will give bail, or do what Mr. Chief Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of everything, and being ignominiously tried and punished, powerfully excite him to make this bold push? But, sir, where is the existing force to punish him? Can he not at the head of his army beat down every opposition? Away with your president, we shall have a king: the army will salute him monarch; your militia will leave you and assist in making him king, and fight against you, and what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?

[Here the reporter, unable to follow him, notes that Mr. Henry strongly and pathetically expatiated on the proba-

bility of the president's enslaving America and the horrid consequences that must result.]

What can be more defective than the clause concerning the elections? The control given to congress over the time, place and manner of holding elections, will totally destroy the end of suffrage. The elections may be held at one place, and the most inconvenient in the state; or they may be at remote distances from those who have a right of suffrage: hence nine out of ten must either not vote at all, or vote for strangers: for the most influential characters will be applied to, to know who are the most proper to be chosen. I repeat that the control of congress over the *manner*, etc., of electing, well warrants the idea. The natural consequence will be that this democratic branch will possess none of the public confidence: the people will be prejudiced against representatives chosen in such an injudicious manner. The proceedings in the northern conclave will be hidden from the yeomanry of this country: we are told that the yeas and nays shall be taken and entered on the journals: this, sir, will avail nothing: it may be locked up in their chests, and concealed forever from the people; for they are not to publish what parts they think require secrecy: they *may* think, and *will think*, the whole requires it.

Another beautiful feature of this constitution is the publication from time to time of the receipts and expenditures of the public money. This expression, from time to time, is very indefinite and indeterminate: it may extend to a century. Grant that any of them are wicked, they may squander the public money so as to ruin you, and yet this expression will give you no redress. I say they may ruin you: for where, sir, is the responsibility? The yeas and nays will shew you nothing, unless they be fools as well as knaves: for after having wickedly trampled on the rights of the people, they would act like fools indeed, were they to publish and divulge their iniquity, when they have it equally in their power to suppress and conceal it. Where

is the responsibility—that leading principle in the British government? In that government a punishment certain and inevitable is provided: but in this, there is no real actual punishment for the grossest mal-administration. They may go without punishment, though they commit the most outrageous violation on our immunities. That paper may tell me they will be punished. I ask, by what law? They must make the law—for there is no existing law to do it. What—will they make a law to punish themselves?

This, sir, is my great objection to the constitution, that there is no true responsibility—and that the preservation of our liberty depends on the single chance of men being virtuous enough to make laws to punish themselves. In the country from which we are descended, they have real, and not imaginary responsibility—for there mal-administration has cost their heads to some of the most saucy geniuses that ever were. The senate, by making treaties may destroy your liberty and laws for want of responsibility. Two-thirds of those that shall happen to be present, can, with the president, make treaties that shall be the supreme law of the land: they may make the most ruinous treaties; and yet there is no punishment for them. Whoever shows me a punishment provided for them will oblige me. So, sir, notwithstanding there are eight pillars, they want another. Where will they make another? I trust, sir, the exclusion of the evils wherewith this system is replete, in its present form, will be made a condition precedent to its adoption, by this or any other state. The transition from a general unqualified admission to offices, to a consolidation of government, seems easy; for though the American states are dissimilar in their structure, this will assimilate them; this, sir, is itself a strong consolidating feature, and is not one of the least dangerous in that system. Nine states are sufficient to establish this government over those nine; imagine that nine have come into it. Virginia has certain scruples. Suppose she will consequently, refuse to join with those states;—may not they still continue in friend-

ship and union with her? If she sends her annual requisitions in dollars, do you think their stomachs will be so squeamish as to refuse her dollars? Will they not accept her regiments? They would intimidate you into an inconsiderate adoption, and frighten you with ideal evils, and that the union shall be dissolved. 'Tis a bugbear, sir;—the fact is, sir, that the eight adopting states can hardly stand on their own legs. Public fame tells us, that the adopting states have already heart-burnings and animosity, and repent their precipitate hurry; this, sir, may occasion exceeding great mischief. When I reflect on these and many other circumstances, I must think those states will be found to be in confederacy with us. If we pay our quota of money annually, and furnish our ratable number of men, when necessary, I can see no danger from a rejection.

The history of Switzerland clearly proves, that we might be in amicable alliance with those states without adopting this constitution. Switzerland is a confederacy, consisting of dissimilar governments. This is an example which proves that governments of dissimilar structures, may be confederated. That confederate republic has stood upward of four hundred years; and although several of the individual republics are democratic, and the rest aristocratic, no evil has resulted from this dissimilarity, for they have braved all the power of France and Germany during that long period. The Swiss spirit, sir, has kept them together; they have encountered and overcome immense difficulties with patience and fortitude. In the vicinity of powerful and ambitious monarchs, they have retained their independence, republican simplicity and valor.

[Here, adds the reporter, he makes a comparison of the people of that country, and those of France, and makes a quotation from Addison, illustrating the subject.]

Look at the peasants of that country and of France, and mark the difference. You will find the condition of the

former far more desirable and comfortable. No matter whether a people be great, splendid and powerful, if they enjoy freedom. The Turkish Grand Seignior, alongside of our president, would put us to disgrace; but we should be abundantly consoled for this disgrace, when our citizen shall be put in contrast with the Turkish slave. The most valuable end of government, is the liberty of the inhabitants. No possible advantages can compensate for the loss of this privilege. Show me the reason why the American union is to be dissolved. Who are those eight adopting states? Are they averse to giving us a little time to consider, before we conclude? Would such a disposition render a junction with them eligible; or is it the genius of that kind of government, to precipitate people hastily into measures of the utmost importance, and grant no indulgence? If it be, sir, is it for us to accede to such a government? We have a right to have time to consider—we shall therefore insist upon it. Unless the government be amended, we can never accept it. The adopting states will doubtless accept our money and our regiments—and what is to be the consequence, if we are disunited? I believe that it is yet doubtful, whether it is not proper to stand by a while, and see the effect of its adoption in other states. In forming a government, the utmost care should be taken to prevent its becoming oppressive; and this government is of such an intricate and complicated a nature, that no man on this earth can know its real operation. The other states have no reason to think from the antecedent conduct of Virginia, that she has any intention of seceding from the union, or of being less active to support the general welfare? Would they not therefore acquiesce in our taking time to deliberate? deliberate whether the measure be not perilous, not only for us, but the adopting states.

Permit me, sir, to say, that a great majority of the people even in the adopting states, are averse to this government. I believe I would be right to say, that they have been egregiously misled. Pennsylvania has *perhaps* been tricked into it. If the other states who have

adopted it, have not been tricked, still they were too much hurried into its adoption. There were very respectable minorities in several of them; and if reports be true, a clear majority of the people are averse to it. If we also accede, and it should prove grievous, the peace and prosperity of our country, which we all love, will be destroyed. This government has not the affection of the people, at present. Should it be oppressive, their affection will be totally estranged from it—and, sir, you know that a government without their affections can neither be durable nor happy. I speak as one poor individual—but when I speak, I speak the language of thousands. But, sir, I mean not to breathe the spirit nor utter the language of secession.

I have trespassed so long on your patience, I am really concerned that I have something yet to say. The honorable member has said that we shall be properly represented: remember, sir, that the number of our representatives is but ten, whereof six is a majority. Will those men be possessed of sufficient information? A particular knowledge of particular districts, will not suffice. They must be well acquainted with agriculture, commerce, and a great variety of other matters throughout the continent: they must know not only the actual state of nations in Europe and America, the situation of their farmers, cottagers and mechanics, but also the relative situation and intercourse of those nations. Virginia is as large as England. Our proportion of representatives is but ten men. In England they have five hundred and thirty. The house of commons in England, numerous as they are, we are told, is bribed, and have bartered away the rights of their constituents: what then shall become of us? Will these few protect our rights? Will they be incorruptible? You say they will be better men than the English commoners. I say they will be infinitely worse men, because they are to be chosen blindfolded: their election (the term, as applied to their appointment, is inaccurate) will be an involuntary nomination, and not a choice.

I have, I fear, fatigued the committee, yet I have not said

the one hundred thousandth part of what I have on my mind, and wish to impart. On this occasion I conceive myself bound to attend strictly to the interest of the state; and I thought her dearest rights at stake: having lived so long—been so much honored—my efforts, though small, are due to my country. I have found my mind hurried on from subject to subject, on this very great occasion. We have been all out of order from the gentleman who opened to-day, to myself. I did not come prepared to speak on so multifarious a subject, in so general a manner. I trust you will indulge me another time. Before you abandon the present system, I hope you will consider not only its defects, most maturely, but likewise those of that which you are to substitute to it. May you be fully apprised of the dangers of the latter, not by fatal experience, but by some abler advocate than I?

Mr. Henry was followed by Governor Randolph, Mr. Madison, Mr. Nicholas, and Mr. Corbin: Randolph and Madison each speaking twice. On June 7 Mr. Henry replied to them as follows:

Mr. Henry.—I have thought, and still think, that a full investigation of the actual situation of America, ought to precede any decision on this great and important question. That government is no more than a choice among evils, is acknowledged by the most intelligent among mankind, and has been a standing maxim for ages. If it be demonstrated that the adoption of the new plan is a little or a trifling evil, then, sir, I acknowledge that adoption ought to follow: but, sir, if this be a truth, that its adoption may entail misery on the free people of this country, I then insist, that rejection ought to follow. Gentlemen strongly urge its adoption will be a mighty benefit to us: but, sir, I am made of such incredulous materials that assertions and declarations, do not satisfy me. I must be convinced, sir. I shall retain my infidelity on that subject till I see our

liberties secured in a manner perfectly satisfactory to my understanding.

There are certain maxims by which every wise and enlightened people will regulate their conduct. There are certain political maxims, which no free people ought ever to abandon: maxims of which the observance is essential to the security of happiness. It is impiously irritating the avenging hand of heaven, when a people who are in the full enjoyment of freedom, launch out into the wide ocean of human affairs, and desert those maxims which alone can preserve liberty. Such maxims, humble as they are, are those only which can render a nation safe or formidable. Poor little humble republican maxims have attracted the admiration and engaged the attention of the virtuous and wise in all nations, and have stood the shock of ages. We do not now admit the validity of maxims, which we once delighted in. We have since adopted maxims of a different but more *refined nature:* new maxims which tend to the prostration of republicanism. We have one, sir, *that all men are by nature free and independent, and have certain inherent rights, of which, when they enter into society, they cannot by any compact deprive or divest their posterity.* We have a set of maxims of the same spirit, which must be beloved by every friend to liberty, to virtue, to mankind—our bill of rights contains those admirable maxims.

Now, sir, I say, let us consider, whether the picture given of American affairs ought to drive us from those beloved maxims. The honorable gentleman (Governor Randolph) has said, that it is too late in the day for us to reject this new plan. That system which was once execrated by the honorable member, must now be adopted, let its defects be ever so glaring. That honorable member will not accuse me of want of candor, when I cast in my mind what he has given the public,[1] and compare it to what has happened since. It seems to me very strange and unaccountable, that that

[1] *Alluding to his excellency's letter to the Speaker of the House of Delegates, giving his reasons for refusing to sign the constitution as a member of the convention which framed it.*

which was the object of his execration, should now receive his encomiums. Something extraordinary must have operated so great a change in his opinion. *It is too late in the day?* Gentlemen must excuse me, if they should declare again and again, that it was too late, and I should think differently. I never can believe, sir, that it is too late to save all that is precious. If it be proper, and independently of every external consideration, wisely constructed, let us receive it: but, sir, shall its adoption by eight states induce us to receive it, if it be replete with the most dangerous defects? They urge that subsequent amendments are safer than previous amendments, and that they will answer the same ends. At present we have our liberties and privileges in our own hands. Let us not relinquish them. Let us not adopt this system till we see them secured. There is some small possibility, that should we follow the conduct of Massachusetts, amendments might be obtained. There is a small possibility of amending any government; but, sir, shall we abandon our most inestimable rights, and rest their security on a mere possibility? The gentleman fears the loss of the union. If eight states have ratified it unamended, and we should rashly imitate their precipitate example, do we not thereby disunite from several other States? Shall those who have risked their lives for the sake of union, be at once thrown out of it? If it be amended, every state will accede to it; but by an imprudent adoption in its defective and dangerous state, a schism must inevitably be the consequence; I can never, therefore, consent to hazard our most unalienable rights on an absolute uncertainty.

You are told there is no peace, although you fondly flatter yourselves that all is peace—no peace—a general cry and alarm in the country—commerce, riches, and wealth vanished—citizens going to seek comforts in other parts of the world—laws insulted—many instances of tyrannical legislation. These things, sir, are new to me. He has made the discovery—as to the administration of justice, I believe that failures in commerce, etc. cannot be

attributed to it. My age enables me to recollect its progress under the old government. I can justify it by saying, that it continues in the same manner in this state, as it did under the former government. As to other parts of the continent, I refer that to other gentlemen. As to the ability of those who administer it, I believe they would not suffer by a comparison with those who administered it under royal authority. Where is the cause of complaint if the wealthy go away? Is this, added to the other circumstances, of such enormity, and does it bring such danger over this commonwealth as to warrant so important, and so awful a change, in so precipitate a manner? As to insults offered to the laws, I know of none. In this respect I believe this commonwealth would not suffer by a comparison with the former government. The laws are as well executed, and as patiently acquiesced in, as they were under the royal administration. Compare the situation of the country—compare that of our citizens to what they were then, and decide whether persons and property are not as safe and secure as they were at that time. Is there a man in this commonwealth whose person can be insulted with impunity? Cannot redress be had here for personal insults and injuries as well as in any part of the world—as well as in those countries where aristocrats and monarchs triumph and reign? Is not the protection of property in full operation here? The contrary cannot with truth be charged on this commonwealth. Those severe charges which are exhibited against it, appear to me totally groundless. On a fair investigation, we shall be found to be surrounded by no real dangers. We have the animating fortitude and persevering alacrity of republican men, to carry us through misfortunes and calamities. 'Tis the fortune of a republic to be able to withstand the stormy ocean of human vicissitudes. I know of no danger awaiting us. Public and private security are to be found here in the highest degree. Sir, it is the fortune of a free people, not to be intimidated by imaginary dangers. Fear is the passion of slaves. Our political and natural hemisphere are now equally tranquil.

Let us recollect the awful magnitude of the subject of our deliberation. Let us consider the latent consequences of an erroneous decision—and let not our minds be led away by unfair misrepresentations and uncandid suggestions. There have been many instances of uncommon lenity and temperance used in the exercise of power in this commonwealth. I could call your recollection to many that happened during the war and since—but every gentleman here must be apprised of them.

The honorable member has given you an elaborate account of what he judges tyrannical legislation, and an *ex post facto law* (in the case of Josiah Phillips). He has misrepresented the facts. That man was not executed by a tyrannical stroke of power. Nor was he a Socrates. He was a fugitive murderer and an outlaw—a man who commanded an infamous banditti, at a time when the war was at the most perilous stage. He committed the most cruel and shocking barbarities. He was an enemy to the human name. Those who declare war against the human race may be struck out of existence as soon as they are apprehended. He was not executed according to those beautiful legal ceremonies which are pointed out by the laws, in criminal cases. The enormity of his crimes did not entitle him to it. I am truly a friend to legal forms and methods; but, sir, the occasion warranted the measure. A pirate, an outlaw, or a common enemy to all mankind, may be put to death at any time. It is justified by the laws of nature and nations.

The honorable member tells us then, that there are burnings and discontents in the hearts of our citizens in general, and that they are dissatisfied with their government. I have no doubt the honorable member believes this to be the case, because he says so. But I have the comfortable assurance, that it is a certain fact, *that it is not so.* The middle and lower ranks of people have not those illumined ideas which the well-born are so happily possessed of—they cannot so readily perceive latent objects. The microscopic eyes of modern statesmen can see abundance of defects in old systems; and their illumined imaginations discover the

necessity of a change. They are captivated by the parade of the number ten—the charms of the ten miles square. Sir, I fear this change will ultimately lead to our ruin. My fears are not the force of imagination—they are but too well founded. I tremble for my country: but sir, I trust, I rely, and I am confident, that this political speculation has not taken so strong a hold of men's minds as some would make us believe.

The dangers which may arise from our geographical situation will be more properly considered awhile hence. At present, what may be surmised on the subject, with respect to the adjacent states, is merely visionary. Strength, sir, is a relative term. When I reflect on the natural force of those nations that might be induced to attack us, and consider the difficulty of the attempt and uncertainty of the success, and compare thereto the relative strength of our country, I say that we are strong. We have no cause to fear from that quarter—we have nothing to dread from our neighboring states. The superiority of our cause would give us an advantage over them were they so unfriendly or rash as to attack us. As to that part of the community which the honorable gentleman spoke of as being in danger of being separated from us: what incitement or inducement could its inhabitants have to wish such an event? It is a matter of doubt whether they would derive any advantage to themselves, or be any loss to us by such a separation. Time has been, and may yet come, when they will find it their advantage and true interest to be united with us. There is no danger of dismemberment of our country, unless a constitution be adopted which will enable the government to plant enemies on our backs. By the confederation, the rights of territory are secured. No treaty can be made without the consent of nine states. While the consent of nine states is necessary to the cession of territory, you are safe. If it be put in the power of a less number, you will most infallibly lose the Mississippi. As long as we can preserve our unalienable rights, we are in safety. This new constitution will involve in its operation the loss of the navigation of

that valuable river. The honorable gentleman cannot be ignorant of the *Spanish transactions*.—A treaty had been nearly entered into with Spain, to relinquish that navigation. That relinquishment would absolutely have taken place, had the consent of seven states been sufficient. The honorable gentleman told us then, that eight states having adopted this system, we cannot suppose they will recede on our account. I know not what they may do; but this I know, that a people of infinitely less importance than those of Virginia stood the terror of war.—Vermont, sir, withstood the terror of thirteen states. Maryland did not accede to the confederation till the year 1781. These two states, feeble as they are comparatively to us, were not afraid of the whole union. Did either of these states perish? No sir, they were admitted freely into the union. Will Virginia then, be admitted? I flatter myself that those states which have ratified the new plan of government will open their arms and cheerfully receive us, although we should profess certain amendments as the conditions on which we should ratify it. During the late war, all the states were in pursuit of the same object. To obtain that object they made the most strenuous exertions. They did not suffer trivial considerations to impede its acquisition. Give me leave to say, that if the smallest states in the union were admitted into it, after having unreasonably procrastinated their accession; the greatest and most mighty state in the union will be easily admitted, when her reluctance to an immediate accession to this system is founded on the most reasonable grounds. When I call this the most mighty state in the union do I not speak the truth? Does not Virginia surpass every state in the union in the number of inhabitants, extent of territory, felicity of position, and affluence and wealth? Some infatuation hangs over men's minds, that they will inconsiderately precipitate into measures the most important, and give not a moment's deliberation to others, nor pay any respect to their opinions. Is this federalism? Are these the beloved effects of the federal spirit, that its votaries will never accede to the just propositions of others?

Sir, were there nothing objectionable in it but that, I would vote against it. I desire to have nothing to do with such men as will obstinately refuse to change their opinions. Are our opinions not to be regarded? I hope that you will recollect that you are going to join with men who will pay no respect even to this State.

Switzerland consists of thirteen cantons expressly confederated for national defence. They have stood the shock of four hundred years: that country has enjoyed internal tranquillity most of that long period. Their differences have been comparatively, to those of other countries, very few.—What has passed in the neighboring countries? Wars, dissensions and intrigues. Germany involved in the most deplorable civil war, thirty years successively—continually convulsed with intestine divisions and harassed by foreign wars. France with her mighty monarchy perpetually at war. Compare the peasants of Switzerland with those of any other mighty nation: you will find them far more happy. For one civil war among them, there have been five or six among other nations—their attachment to their country and to freedom—their resolute intrepidity in their defence—the consequent security and happiness which they have enjoyed, and the respect and awe which these things produced in their bordering nations, have signalized those republicans. Their valor, sir, has been active; everything that sets in motion the springs of the human heart engaged them to the protection of their inestimable privileges. They have not only secured their own liberty, but have been the arbiters of the fate of other people. Here, sir, contemplate the triumph of republican governments over the pride of monarchy. I acknowledge, sir, that the necessity of national defence has prevailed in invigorating their councils and arms, and have been in a considerable degree the means of keeping these honest people together. But, sir, they have had wisdom enough to keep together and render themselves formidable. Their heroism is proverbial. They would heroically fight for their government and their laws. One of the illumined sons of these times would

not fight for those objects. Those virtuous and simple people have not a mighty and splendid president—nor enormously expensive navies and armies to support. No, sir, those brave republicans have acquired their reputation no less by their undaunted intrepidity than by the wisdom of their frugal and economical policy. Let us follow their example, and be equally happy. The honorable member advises us to adopt a measure which will destroy our bill of rights. For, after hearing his picture of nations, and his reasons for abandoning all the powers retained to the states by the confederation, I am more firmly persuaded of the impropriety of adopting this new plan in its present shape.

I had doubts of the power of those who went to the convention; but now we are possessed of their work, let us examine it. When we trusted the great object of reviving the confederation to the greatest, the best, and most enlightened of our citizens, we thought their deliberations would have been solely confined to that revision. Instead of this, a new system, totally different in its nature, and vesting the most extensive powers in Congress, is presented. Will the ten men you are to send to Congress, be more worthy than those seven were? If power grew too rapidly in their hands, what may it not do in the hands of others? If those who go from this State will find power accompanied with temptation, our situation must be truly critical. When about forming a government, if we mistake the principles, or commit any other error, the very circumstance promises that power will be abused. The greatest caution and circumspection are therefore necessary—nor does this proposed system in its investigation here, deserve the least charity.

The honorable member says, that the national government is without energy. I perfectly agree with him;—and when he cried out *union* I agreed with him: but I tell him not to mistake the end for the means. The end is union—the most capital means, I suppose, are an army, and navy: on a supposition I will acknowledge this; still the bare act of agreeing to that paper, though it may have an amazing influence, will not pay our millions. There must

be things to pay debts. What these things are, or how they are to be produced, must be determined by our political wisdom and economy.

The honorable gentleman alleges, that previous amendments will prevent the junction of our riches from producing great profits and emoluments (which would enable us to pay our public debts),—by excluding us from the union. I believe, sir, that a previous ratification of a system notoriously and confessedly defective, will endanger our riches—our liberty—our all. Its defects are acknowledged—they cannot be denied. The reason offered by the honorable gentleman for adopting this defective system, is the adoption by eight States. I say, sir, that if we present nothing but what is reasonable in the shape of amendments they will receive us. Union is as necessary for them as for us. Will they then be so unreasonable as not to join us? If such be their disposition, I am happy to know it in time.

The honorable member then observed, that nations will expend millions for commerical advantages—that is, that they will deprive you of every advantage if they can. Apply this another way.—Their cheaper way—instead of laying out millions in making war upon you, will be to corrupt your senators. I know that if they be not above all price, they may make a sacrifice of our commerical interests. They may advise your president to make a treaty that will not only sacrifice all your commerical interests, but throw prostrate your bill of rights. Does he fear that their ships will outnumber ours on the ocean, or that nations whose interests come in contact with ours, in the progress of their guilt, will perpetrate the vilest expedients to exclude us from a participation in commercial advantages? Does he advise us, in order to avoid this evil, to adopt a constitution, which will enable such nations to obtain their ends by the more easy mode of contaminating the principles of our senators? Sir, if our senators will not be corrupted, it will be because they will be good men; and not because the constitution provides against corruption. for there is no real

check secured in it, and the most abandoned and profligate acts may with impunity be committed by them.

With respect to Maryland—what danger from thence? I know none. I have not heard of any hostility premeditated or committed.—Nine-tenths of the people have not heard of it. Those who are so happy as to be illumined, have not informed their fellow-citizens of it. I am so valiant as to say, that no danger can come from that source, sufficient to make me abandon my republican principles.——The honorable gentleman ought to have recollected, that there were no tyrants in America, as there are in Europe.—The citizens of republican borders are only terrible to tyrants—instead of being dangerous to one another, they mutually support one another's liberties. We might be confederated with the adopting States, without ratifying this system. No form of government renders a people more formidable. A confederacy of states joined together becomes strong as the United Netherlands.——The government of Holland (execrated as it is) proves that the present confederation is adequate to every purpose of human association. There are seven provinces confederated together for a long time, containing numerous opulent cities and many of the finest ports in the world.—The recollection of the situation of that country would make me execrate monarchy. The singular felicity and success of that people are unparalleled—freedom has done miracles there in reclaiming land from the ocean. It is the richest spot on the face of the globe. Have they no men or money? Have they no fleets or armies? Have they no arts or sciences among them? How did they repel the attacks of the greatest nations in the world? How have they acquired their amazing influence and power? Did they consolidate government, to effect these purposes as we do? No, sir, they have triumphed over every obstacle and difficulty; and have arrived at the summit of political felicity, and of uncommon opulence, by means of a confederacy; that very government which gentlemen affect to despise. They have, sir, avoided a consolidation as the greatest of evils. They have lately, it is true, made one

advance to that fatal progression. This misfortune burst on them by iniquity and artifice. *That stadtholder, that executive magistrate*, contrived it in conjunction with other European nations. It was not the choice of the people. Was it owing to *his energy* that this happened? If two provinces have paid nothing, what have not the rest done? And have not these two provinces made other exertions? Ought they to avoid this inconvenience to have consolidated their different states, and have a ten miles square? Compare that little spot, nurtured by liberty, with the fairest country in the world. Does not Holland possess a powerful navy and army, and a full treasury? They did not acquire these by debasing the principles and trampling on the rights of their citizens. Sir, they acquired these by their industry and economy, and by the freedom of their government. Their commerce is the most extensive in Europe: their credit is unequalled—their felicity will be an eternal monument of the blessings of liberty: every nation in Europe is taught by them what they are, and what they ought to be. The contrast between those nations and this happy people, is the most splendid spectacle for republicans—the greatest cause of exultation and triumph to the sons of freedom. While other nations, precipitated by the rage of ambition or folly, have, in the pursuit of the most magnificent projects, riveted the fetters of bondage on themselves and their descendants, these republicans secured their political happiness and freedom. Where is there a nation to be compared to them? Where is there now, or where was there ever a nation, of so small a territory, and so few in number, so powerful—so wealthy—so happy? What is the cause of this superiority? Liberty, sir,—the freedom of their government. Though they are now unhappily in some degree consolidated, yet they have my acclamations, when put in contrast with those millions of their fellow-men who lived and died slaves. The dangers of a consolidation ought to be guarded against in this country. I shall exert my poor talents to ward them off. Dangers are to be apprehended in whatever manner we proceed; but those of a consolidation are the most de-

structive. Let us leave no expedient untried to secure happiness; but whatever be our decision, I am consoled, if American liberty will remain entire only for half a century —and I trust that mankind in general, and our posterity in particular, will be compensated for every anxiety we now feel.

Another gentleman tells us that no inconvenience will result from the exercise of the power of taxation by the general government; that two shillings out of ten may be saved by the impost; and that four shillings may be paid to the federal collector, and four to the State collector. A change of government will not pay money. If from the probable amount of the impost, you take the enormous and extravagant expenses, which will certainly attend the support of this great consolidated government, I believe you will find no reduction of the public burthens by this new system. The splendid maintenance of the president and of the members of both houses; and the salaries and fees of the swarm of officers and dependants on the government will cost this continent immense sums. Double sets of collectors will double the expense. To these are to be added oppressive excise-men and custom-house officers. Sir, the people have an hereditary hatred to custom-house officers. The experience of the mother country leads me to detest them. They have introduced their baneful influence into the administration and destroyed one of the most beautiful systems that ever the world saw. Our forefathers enjoyed liberty there while that system was in its purity—but it is now contaminated by influences of every kind.

The style of the government (*we the people*) was introduced perhaps to recommend it to the people at large, to those citizens who are to be levelled and degraded to the lowest degree; who are likened to a *herd*[1]; and who by the operation of this *blessed* system are to be transformed from respectable independent citizens to abject, dependent subjects or slaves. The honorable gentleman has antici-

[1] Governor Randolph had cursorily mentioned the word *herd* in his second speech.

pated what we are to be reduced to, by degradingly assimilating our citizens to a herd.

Here Governor Randolph arose, and declared that he did not use that word to excite any odium, but merely to convey an idea of a multitude. Mr. Henry replied, that it made a deep impression on his mind, and that he verily believed that system would operate as he had said. He then continued:

I will exchange that *abominable* word for requisitions—requisitions which gentlemen affect to despise, have nothing degrading in them. On this depends our political prosperity. I never will give up that *darling* word requisitions—my country may give it up—a majority may wrest it from me, but I will never give it up till my grave. Requisitions are attended with one singular advantage. They are attended by deliberation. They secure to the States the benefit of correcting oppressive errors. If our assembly thought requisitions erroneous—if they thought the demand was too great, they might at least supplicate Congress to reconsider—that it was a little too much. The power of direct taxation was called by the honorable gentleman the soul of the government: another gentleman called it the lungs of the government. We all agree, that it is the most important part of the body politic. If the power of raising money be necessary for the general government, it is no less so for the States. If money be the vitals of Congress, is it not precious for those individuals from whom it is to be taken? Must I give my soul, my lungs, to Congress? Congress must have our souls—the State must have our souls. This is dishonorable and disgraceful. These two co-ordinate, interfering, unlimited powers of harassing the community are unexampled: it is unprecedented in history; they are the visionary projects of modern politicians: tell me not of imaginary means, but of reality; this political solecism will never tend to the benefit of the community. It will be as oppressive in practice

as it is absurd in theory. If you part from this, which the honorable gentleman tells you is the soul of Congress, you will be inevitably ruined. I tell you they shall not have the soul of Virginia. They tell us that one collector may collect the federal and State taxes. The general government being paramount to the State legislatures, if the sheriff is to collect for both; his right hand for the Congress, his left for the State;—his right hand being paramount over the left, his collections will go to Congress. We will have the rest. Deficiencies in collections will always operate against the States. Congress being the paramount supreme power, must not be disappointed. Thus Congress will have an unlimited, unbounded command over the soul of this commonwealth. After satisfying their uncontrolled demands, what can be left for the States? Not a sufficiency even to defray the expense of their internal administration. They must therefore glide imperceptibly and gradually out of existence. This, sir, must naturally terminate in a consolidation. If this will do for other people, it never will do for me.

If we are to have one representative for every 30,000 souls, it must be by implication. The constitution does not positively secure it. Even say it is a natural implication, why not give us a right to that proportion in express terms, in language that could not admit of evasions or subterfuges? If they can use implication *for* us, they can also use implication *against* us. We are *giving* power; they are *getting* power; judge then, on which side the implication will be used. When we once put it in their option to assume constructive power, danger will follow. Trial by jury and liberty of the press, are also on this foundation of implication. If they encroach on these rights, and you give your implication for a plea, you are cast; for they will be justified by the last part of it, which gives them full power, "to make all laws which shall be necessary and proper to carry their powers into execution." Implication is dangerous, because it is unbounded; if it be admitted at all, and no limits be prescribed, it admits of the utmost extension. They say that everything that is not given is

retained. The reverse of the proposition is true by implication. They do not carry their implication so far when they speak of the general welfare. No implication when the sweeping clause comes. Implication is only necessary when the existence of privileges is in dispute. The existence of powers is sufficiently established. If we trust our dearest rights to implication, we shall be in a very unhappy situation.

Implication in England has been a source of dissension. There has been a war of implication between the king and people. For 100 years did the mother country struggle under the uncertainty of implication. The people insisted that their rights were implied; the monarch denied the doctrine. Their bill of rights in some degree terminated the dispute. By a bold implication, they said they had a right to bind us in all cases whatsoever. This constructive power we opposed, and successfully. Thirteen or fourteen years ago, the most important thing that could be thought of, was to exclude the possibility of construction and implication. These, sir, were then deemed perilous. The first thing that was thought of was a bill of rights. We were not satisfied with your constructive argumentative rights.

The reporter states that Mr. Henry then declared, a bill of rights indispensably necessary; that a general positive provision should be inserted in the new system, securing to the States and the people, every right which was not conceded to the general government; and that every implication should be done away. It being now late he concluded by observing, that he would resume the subject another time.

The committee then rose—and on motion, *resolved*, that this convention will, on Monday next, again resolve itself into a committee of the whole convention, to take into further consideration the proposed constitution of government.

And then the convention adjourned until Monday morn

ing ten o'clock. On Monday, the 9th of June, 1788, the convention then, according to the order of the day, again resolved itself into a committee of the whole convention, to take into farther consideration the proposed plan of government, Mr. Wythe in the chair, and the first and second sections being still under consideration.

Mr. Henry.—Mr. Chairman: I find myself again constrained to trespass on the patience of this committee. I wish there was a prospect of union in our sentiments—so much time would not then be taken up.—But when I review the magnitude of the subject under consideration, and of the dangers which appear to me in this new plan of government, and compare thereto, my poor abilities to secure our rights, it will take much more time in my poor unconnected way, to traverse the objectionable parts of it—there are friends here who will be abler than myself to make good these objections which to us appear well founded. If we recollect, on last Saturday, I made some observations on some of those dangers, which these gentlemen would fain persuade us hang over the citizens of this commonwealth, to induce us to change the government, and adopt the new plan. Unless there be great and awful dangers, the change is dangerous, and the experiment ought not to be made. In estimating the magnitude of these dangers, we are obliged to take a most serious view of them, to feel them, to handle them, and to be familiar with them. It is not sufficient to feign mere imaginary dangers; there must be a dreadful reality. The great question between us is, does that reality exist? These dangers are partially attributed to bad laws, execrated by the community at large. It is said the people wish to change the government. I should be happy to meet them on that ground. Should the people wish to change it, we should be innocent of the dangers. It is a fact that the people do not wish to change their government. How am I to prove it? It will rest on my bare assertion, unless supported by an internal conviction

in men's breasts. My poor say-so is a mere nonentity. But, sir, I am persuaded that four-fifths of the people of Virginia must have amendments to the new plan, to reconcile them to a change of their government. It is a slippery foundation for the people to rest their political salvation on, my or their assertions. No government can flourish unless it be founded on the affections of the people. Unless gentlemen can be sure, that this new system is founded on that ground, they ought to stop their career.

I will not repeat what the gentlemen say—I will mention one thing. There is a dispute between us and the Spaniards about the right of navigating the Mississippi. This dispute has sprung from the federal government. I wish a great deal to be said on this subject. I wish to know the origin and progress of the business, as it would probably unfold great dangers. In my opinion the preservation of that river calls for our most serious consideration. It has been agitated in Congress. Seven States have voted so as that it is known to the Spaniards, that under our existing system the Mississippi shall be taken from them. Seven states wished to relinquish this river to them. The six southern states opposed it. Seven states not being sufficient to convey it away, it remains now ours. If I am wrong, there are members on this floor who can contradict the facts—I will readily retract. This new government, I conceive, will enable those States who have already discovered their inclination that way, to give away this river. Will the honorable gentleman advise us to relinquish this inestimable navigation, and place formidable enemies to our backs? This weak, this poor, confederation cannot secure us. We are resolved to take shelter under the shield of federal authority in America. The southern parts of America have been protected by that weakness so much execrated. I hope this will be explained. I was not in Congress when these transactions took place. I may not have stated every fact. I may have misrepresented matters. I hope to be fully acquainted with everything relative to the subject. Let us hear how the great and impor-

tant right of navigating that river has been attended to; and whether I am mistaken in my opinion, that federal measures will lose it to us forever. If a bare majority of Congress can make laws, the situation of our western citizens is dreadful.

We are threatened from danger for the non-payment of the debt due to France. We have information come from an illustrious citizen of Virginia, who is now in Paris, which disproves the suggestions of such danger. This citizen has not been in the airy regions of theoretic speculation —our ambassador is this worthy citizen. The ambassador of the United States of America is not so despised as the honorable gentleman would make us believe. A servant of a republic is as much respected as that of a monarch. The honorable gentleman tells us that hostile fleets are to be sent to make reprisals upon us—our ambassador tells you that the king of France has taken into consideration to enter into commercial regulations on reciprocal terms with us, which will be of peculiar advantage to us. Does this look like hostility? I might go further; I might say, not from public authority, but good information, that his opinion is, that you reject this government. His character and abilities are in the highest estimation—he is well acquainted in every respect with this country—equally so with the policy of the European nations. This illustrious citizen advises you to reject this government, till it be amended. His sentiments coincide entirely with ours. His attachment to, and services done for this country, are well known. At a great distance from us, he remembers and studies our happiness. Living in splendor and dissipation, he thinks yet of bills of rights—thinks of those little despised things called maxims. Let us follow the sage advice of this common friend of our happiness. It is little usual for nations to send armies to collect debts. The house of Bourbon, that great friend of America, will never attack her for the unwilling delay of payment. Give me leave to say, that Europe is too much engaged about objects of greater importance to attend to us. On that great theatre of the

world, the little American matters vanish. Do you believe, that the mighty monarch of France, beholding the greatest scenes that ever engaged the attention of a prince of that country, will divert himself from those important objects, and now call for a settlement of accounts with America? This proceeding is not warranted by good sense. The friendly disposition to us, and the actual situation of France, render the idea of danger from that quarter absurd. Would this countryman of ours be found advising us to a measure which he knew to be dangerous? And can it be reasonably supposed, that he can be ignorant of any premeditated hostility against this country? The honorable gentleman may suspect the account, but I will do our friend the justice to say, that he would warn us of any danger from France.

Do you suppose the Spanish monarch will risk a contest with the United States, when his feeble colonies are exposed to them? Every advance the people here make to the westward, makes him tremble for Mexico and Peru. Despised as we are among ourselves, under our present government, we are terrible to that monarchy. If this be not a fact, it is generally said so.

We are in the next place frightened by dangers from Holland. We must change our government to escape the wrath of that republic—Holland groans under a government like this new one. A Stadtholder, sir, a Dutch president has brought on that country miseries which will not permit them to collect debts with fleets or armies. The wife of a Dutch Stadtholder brought 100,000 men against that republic, and prostrated all opposition. This president will bring miseries on us like those of Holland. Such is the condition of European affairs, that it would be *unsafe for them to send* fleets or armies to collect debts. But here, sir, they make a transition to objects of another kind. We are presented with dangers, of a very uncommon nature. I am not acquainted with the arts of painting. Some gentlemen have a peculiar talent for them. They are practised with great ingenuity on this occasion. As a counter-

part to what we have already been intimidated with, we are told, that some lands have been sold, which cannot be found; and that this will bring war on this country. Here the picture will not stand examination. Can it be supposed, that if a few land speculators and jobbers have violated the principles of probity, that it will involve this country in war? Is there no redress to be otherwise obtained, even admitting the delinquents and sufferers to be numerous? When gentlemen are thus driven to produce imaginary dangers, to induce this convention to assent to this change, I am sure it will not be uncandid to say, that the change itself is really dangerous. Then the Maryland compact is broken, and will produce perilous consequences. I see nothing very terrible in this. The adoption of the new system will not remove the evil. Will they forfeit good neighborhood with us because the compact is broken? Then the disputes concerning the Carolina line are to involve us in dangers. A strip of land running from the westward of the Alleghany to the Mississippi, is the subject of this pretended dispute. I do not know the length or breadth of this disputed spot. Have they not regularly confirmed our right to it, and relinquished all claims to it? I can venture to pledge, that the people of Carolina will never disturb us. The strength of this despised country has settled an immense tract of country to the westward. Give me leave to remark, that the honorable gentleman's observation on our frontiers, north and south, east and west, are all inaccurate.

Will Maryland fight against this country for seeking amendments? Were there not sixty members, in that State who went in quest of amendments? Sixty against eight or ten were in favor of pursuing amendments? Shall they fight us for doing what they themselves have done? They have sought amendments, but differently from the manner in which I wish amendments to be got. The honorable gentleman may plume himself on this difference. Will they fight us for this dissimilarity?—Will they fight us for seeking the object they seek themselves? When

they do, it will be time for me to hold my peace. Then, sir, comes Pennsylvania, in terrible array. Pennsylvania is to go in conflict with Virginia. Pennsylvania has been a good neighbor heretofore. She is federal—something terrible—Virginia cannot look her in the face. If we sufficiently attend to the actual situation of things, we will conclude, that Pennsylvania will do what we do. A number of that country are strongly opposed to it. Many of them have lately been convinced of its fatal tendency. They are disgorged of their federalism. I beseech you to bring this matter home to yourselves. Was there a possibility for the people of that State to know the reasons of adopting that system, or understand its principles, in so very short a period after its formation? This is the middle of June. Those transactions happened last August. The matter was circulated by every effort of industry, and the most precipitate measures taken to hurry the people into adoption. Yet now, after having had several months since to investigate it, a very large part of this community, a great majority of this community, do not understand it. I have heard gentlemen of respectable abilities declare they did not understand it. If after great pains, men of high learning, who have received the aids of a regular education, do not understand it; if the people of Pennsylvania understood it in so short a time, it must have been from intuitive understandings, and uncommon acuteness of perception. Place yourselves in their situation—would you fight your neighbors for considering this great and awful matter? If you wish for real amendments, such as the security of the trial by jury, it will reach the hearts of the people of that State. Whatever may be the disposition of the aristocratical politicians of that country, I know there are friends of human nature in that State. If so, they will never make war on those who make professions of what they are attached to themselves.

As to danger arising from borderers, it is mutual and reciprocal. If it be dangerous for Virginia, it is equally so for them. It will be their true interest to be united with

us. The danger of our being their enemies will be a prevailing argument in our favor. It will be as powerful to admit us into the union, as a vote of adoption without previous amendments could possibly be.

Then the savage Indians are to destroy us. We cannot look them in the face. The danger is here divided; they are as terrible to the other States as to us: but, sir, it is well known that we have nothing to fear from them. Our back settlers are considerably stronger than they.—Their superiority increases daily. Suppose the States to be confederated all around us, what we want in number, we shall make up otherwise. Our compact situation and natural strength will secure us. But to avoid all dangers, we must take shelter under the federal government. Nothing gives a decided importance but this federal government. You will *sip sorrow*, according to the vulgar phrase, if you want any other security than the laws of Virginia.

A number of characters of the greatest eminence in this country object to this government, for its consolidating tendency. This is not imaginary. It is a formidable reality. If consolidation proves to be as mischievous to this country, as it has been to other countries, what will the poor inhabitants of this country do? This government will operate like an ambuscade. It will destroy the State governments, and swallow the liberties of the people, without giving them previous notice. If gentlemen are willing to run the hazard, let them run it; but I shall exculpate myself by my opposition, and monitory warnings within these walls. But, then comes paper money. We are at peace on this subject. Though this is a thing which that mighty federal convention had no business with, yet I acknowledge that paper-money would be the bane of this country. I detest it. Nothing can justify a people in resorting to it, but extreme necessity. It is at rest however in this commonwealth. It is no longer solicited or advocated.

Sir, I ask you, and every other gentleman who hears me, if he can retain his indignation, at a system, which takes

from the State legislatures the care and preservation of the interests of the people; 180 representatives, the choice of the people of Virginia, cannot be trusted with their interests. They are a mobbish suspected *herd*. This country has not virtue enough to manage its own internal interests. These must be referred to the chosen ten. If we cannot be trusted with the private contracts of the citizens, we must be depraved indeed. If he can prove, that by one uniform system of abandoned principles, the legislature has betrayed the rights of the people, then let us seek another shelter. So degrading an indignity—so flagrant an outrage on the States—so vile a suspicion is humiliating to my mind, and to many others.

Will the adoption of this new plan pay our debts? This, sir, is a plain question. It is inferred, that our grievances are to be redressed, and the evils of the existing system to be removed by the new constitution. Let me inform the honorable gentleman, that no nation ever paid its debts by a change of government, without the aid of industry. You never will pay your debts but by a radical change of domestic economy. At present you buy too much, and make too little to pay with. Will this new system promote manufactures, industry and frugality? If instead of this, your hopes and designs will be disappointed; you relinquish a great deal, and hazard infinitely more, for nothing. Will it enhance the value of your lands, Will it lessen your burthens? Will your looms and wheels go to work by the act of adoption? If it will in its consequence produce these things, it will consequently produce a reform, and enable you to pay your debts. Gentlemen must prove it. I am a sceptic—an infidel on this point. I cannot conceive that it will have these happy consequences. I cannot confide in assertions and allegations. The evils that attend us, lie in extravagance and want of industry, and can only be removed by assiduity and economy. Perhaps we shall be told by gentlemen, that these things will happen, because the administratian is to be taken from us, and placed in the hands of the luminous few, who will pay different atten-

tion, and be more studiously careful than we can be supposed to be.

With respect to the economical operation of the new government, I will only remark, that the national expenses will be increased—if not doubled it will approach it very near. I might, without incurring the imputation of liberality or extravagance, say, that the expense will be multiplied tenfold. I might tell you of a numerous standing army—a great powerful navy—a long and rapacious train of officers and dependents, independent of the president, senators and representatives, whose compensations are without limitation. How are our debts to be discharged unless the taxes are increased, when the expenses of government are so greatly augumented? The defects of this system are so numerous and palpable, and so many States object to it, that no union can be expected, unless it be amended. Let us take a review of the facts. New-Hampshire and Rhode-Island have rejected it. They have refused to become federal. New-York and North-Carolina are reported to be strongly against it. From high authority, give me leave to tell, that New-York is in high opposition. Will any gentleman say that North-Carolina is not against it? They may say so, but I say that the adoption of it in those two States amounts to entire uncertainty. The system must be amended before these four States will accede to it—besides, there are several other States who are dissatisfied, and wish alterations—Massachusetts has, in decided terms, proposed amendments; but by her previous ratification, has put the cart before the horse. Maryland instituted a committee to propose amendments. It then appears, that two States have actually refused to adopt—two of those who have adopted, have a desire of amending. And there is a probability of its being rejected by New-York and North-Carolina. The other States have acceded without proposing amendments. With respect to them, local circumstances, have in my judgment, operated to produce its unconditional instantaneous adoption. The locality of the seat of government, ten miles square, and the seat of

justice, with all their concomitant emoluments, operated so powerfully with the first adopting State, that it was adopted without taking time to reflect. We are told that numerous advantages will result from the concentration of the wealth and grandeur of the United States in one happy spot; to those who will reside in or near it. Prospects of profit and emoluments have a powerful influence on the human mind. We, sir, have no such projects, as that of a grand seat of government for thirteen States, and perhaps for 100 States hereafter. Connecticut and New-Jersey have their localities also. New-York lies between them. They have no ports, and are not importing States. New-York is an importing State, and taking advantage of its situation, makes them pay duties for all the articles of their consumption: thus, these two States being obliged to import all they want, through the medium of New-York, pay the particular taxes of that State. I know the force and effect of reasoning of this sort, by experience. When the impost was proposed some years ago, those States which were not importing States, readily agreed to concede to Congress the power of laying an impost on all goods imported for the use of the continental treasury. Connecticut and New-Jersey therefore, are influenced by advantages of trade in their adoption. The amounts of all imposts are to go into one common treasury. This favors adoption by the non-importing States; as they participate in the profits which were before exclusively enjoyed by the importing States. Notwithstanding this obvious advantage to Connecticut, there is a formidable minority there against it. After taking this general review of American affairs, as respecting federalism, will the honorable gentleman tell me that he can expect union in America? When so many States are pointedly against it; when two adopting States have pointed out, in express terms, their dissatisfaction as it stands; and when there is so respectable a body of men discontented in every State, can the honorable gentleman promise himself harmony, of which he is so fond? If he can, I cannot.—To me it appears unequivocally clear, that we shall not

have that harmony. If it appears to the other States, that our aversion is founded on just grounds, will they not be willing to indulge us? If disunion will really result from Virginia's proposing amendments, will they not wish the re-establishment of the union, and admit us, if not on such terms as we prescribe, yet on advantageous terms? Is not union as essential to their happiness, as to ours? Sir, without a radical alteration, the States will never be embraced in one federal pale. If you attempt to force it down men's throats and call it union, dreadful consequences must follow.

He has said a great deal of disunion and the dangers that are to arise from it—when we are on the subject of union and dangers, let me ask, how will his present doctrine hold with what has happened? Is it consistent with that noble and disinterested conduct, which he displayed on a former occasion? Did he not tell us that he withheld his signature? Where then were the dangers which now appear to him so formidable? He saw all America eagerly confiding that the result of their deliberations would remove their distresses. He saw all America acting under the impulses of hope, expectation and anxiety, arising from their situation, and their partiality for the members of that convention: yet his enlightened mind, knowing that system to be defective, magnanimously and nobly refused its approbation. He was not led by the illumined—the illustrious few. He was actuated by the dictates of his own judgment; and a better judgment than I can form. He did not stand out of the way of information. He must have been possessed of every intelligence. What alteration have a few months brought about? The eternal difference between right and wrong does not fluctuate. It is immutable. I ask this question as a public man, and out of no particular view.—I wish, as such, to consult every source of information, to form my judgment on so awful a question.—I had the highest respect for the honorable gentleman's abilities.—I considered his opinion as a great authority.—He taught me, sir, in despite of the approbation of that great federal convention, to

doubt of the propriety of that system. When I found my honorable friend in the number of those who doubted, I began to doubt also.—I coincided with him in opinion. I shall be a staunch and faithful disciple of his. I applaud that magnanimity which led him to withhold his signature. If he thinks now differently, he is as free as I am. Such is my situation, that as a poor individual, I look for information everywhere.

This government is so new it wants a name. I wish its other novelties were as harmless as this. He told us, we had an American dictator in the year 1781.—We never had an American President. In making a dictator, we follow the example of the most glorious, magnanimous and skilful nations. In great dangers this power has been given.—Rome had furnished us with an illustrious example.—America found a person worthy of that trust: she looked to Virginia for him. We gave a dictatorial power to hands that used it gloriously; and which were rendered more glorious by surrendering it up. Where is there a breed of such dictators? Shall we find a set of American presidents of such a breed? Will the American president come and lay prostrate at the feet of Congress his laurels? I fear there are few men who can be trusted on that head. The glorious republic of Holland has erected monuments of her warlike intrepidity and valor: yet she is now totally ruined by a stadtholder—a Dutch president. The destructive wars into which that nation has been plunged, has since involved her in ambition. The glorious triumphs of Blenheim and Ramillies were not so conformable to the genius, nor so much to the true interest of the republic, as those numerous and useful canals and dykes, and other objects at which ambition spurns. That republic has, however, by the industry of its inhabitants, and policy of its magistrates, suppressed the ill effects of ambition. Notwithstanding two of their provinces have paid nothing, yet I hope the example of Holland will tell us, that we can live happily without changing our present despised government. Cannot people be as happy under a mild, as under an energetic govern-

ment? Cannot content and felicity be enjoyed in a republic, as well as in a monarchy, because there are whips, chains and scourges used in the latter? If I am not as rich as my neighbour, if I give my mite—my all—republican forbearance will say, that it is sufficient. So said the honest confederates of Holland.—*You are poor—we are rich. We will go on and do better, far better, than be under an oppressive government.* Far better will it be for us to continue as we are, than go under that tight energetic government. I am persuaded of what the honorable gentleman says, that separate confederacies will ruin us. In my judgment, they are evils never to be thought of till a people are driven by necessity.—When he asks my opinion of consolidation—of one power to reign over America, with a strong hand; I will tell him, I am persuaded of the rectitude of my honorable friend's opinion [Mr. Mason] that one government cannot reign over so extensive a country as this is, without absolute despotism. Compared to such a consolidation, small confederacies are little evils; though they ought to be recurred to, but in case of necessity. Virginia and North-Carolina are despised. They could exist separated from the rest of America. Maryland and Vermont were not over-run when out of the confederacy. Though it is not a desirable object, yet I trust, that on examination it will be found, that Virginia and North-Carolina would not be swallowed up in case it was necessary for them to be joined together.

When we come to the spirit of domestic peace—the humble genius of Virginia has formed a government, suitable to the genius of her people. I believe the hands that formed the American constitution triumphed in the experiment. It proves, that the men who formed it, and perhaps by accident, did what design could not do in other parts of the world. After all your reforms in government, unless you consult the genius of the inhabitants, you will never succeed —your system can have no duration. Let me appeal to the candor of the committee, if the want of money be not the source of all our misfortunes. We cannot be blamed for

not making dollars. This want of money cannot be supplied by changes in government. The only possible remedy, as I have before asserted, is industry aided by economy. Compare the genius of the people with the government of this country. Let me remark, that it stood the severest conflict, during the war, to which ever human virtue has been called. I call upon every gentleman here to declare, whether the king of England had any subjects so attached to his family and government—so loyal as we were. But the genius of Virginia called us for liberty--called us from those beloved endearments, which from long habits we were taught to love and revere. We entertained from our earliest infancy, the most sincere regard and reverence for the mother country. Our partiality extended to a predilection for her customs, habits, manners and laws. Thus inclined, when the deprivation of our liberty was attempted, what did we do? What did the genius of Virginia tell us?—*Sell all and purchase liberty.* This was a severe conflict. Republican maxims were then esteemed. Those maxims, and the genius of Virginia, landed you safe on the shore of freedom. On this awful occasion, did you want a federal government? Did federal ideas possess your minds? Did federal ideas lead you to the most splendid victories? I must again repeat the favorite idea, that the genius of Virginia did, and will again lead us to happiness. To obtain the most splendid prize, you did not consolidate. You accomplished the most glorious ends, by the assistance of the genius of your country. Men were then taught by that genius, that they were fighting for what was most dear to them. View the most affectionate father—the most tender mother, operated on by liberty, nobly stimulating their sons, their dearest sons—sometimes their only son, to advance to the defence of his country. We have seen sons of Cincinnatus, without splendid magnificence or parade, going, with the genius of their great progenitor Cincinnatus, to the plough.—Men who served their country without ruining it —men who had served it to the destruction of their private patrimonies—their country owing them amazing amounts,

for the payment of which no adequate provision was then made. We have seen such men, throw prostrate their arms at your feet. They did not call for those emoluments, which ambition presents to some imaginations. The soldiers, who were able to command everything, instead of trampling on those laws, which they were instituted to defend, most strictly obeyed them. The hands of justice have not been laid on a single American soldier. Bring them into contrast with European veterans.—You will see an astonishing superiority over the latter. There has been a strict subordination to the laws. The honorable gentleman's office gave him an opportunity of viewing if the laws were administered so as to prevent riots, routs, and unlawful assemblies. From his then situation, he could have furnished us with the instances in which licentiousness trampled on the laws. Among all our troubles we have paid almost to the last shilling, for the sake of justice: we have paid as well as any State: I will not say better. To support the general government, and our own legislature—to pay the interest of the public debts, and defray contingencies, we have been heavily taxed. To add to these things, the distresses produced by paper money, and by tobacco contracts, were sufficient to render any people discontented. These, sir, were great temptations; but in the most severe conflict of misfortunes, this code of law—this genius of Virginia, call it what you will, triumphed over everything.

Why did it please the gentleman [Mr. Corbin] to bestow such epithets on our country? Have the worms taken possession of the wood, that our strong vessel—our political vessel, has sprung a-leak? He may know better than I, but I consider such epithets to be the most illiberal and unwarrantable aspersions on our laws. The system of laws under which we have lived, has been tried and found to suit our genius. I trust we shall not change this happy system. I cannot so easily take leave of an old friend. Till I see him following after and pursuing other objects, which can pervert the great objects of human legislation, pardon me if I withhold my assent.

Some here speak of the difficulty in forming a new code of laws. Young as we were, it was not wonderful if there was a difficulty in forming and assimilating one system of laws. I shall be obliged to the gentleman, if he would point out those glaring, those great faults. The efforts of assimilating our laws to our genius have not been found altogether vain. I shall pass over some other circumstances which I intended to mention, and endeavor to come to the capital objection, which my honorable friend made. My worthy friend said, that a republican form of government would not suit a very extensive country; but that if a government were judiciously organized and limits prescribed to it, an attention to these principles might render it possible for it to exist in an extensive territory. Whoever will be bold to say, that a continent can be governed by that system, contradicts all the experience of the world. It is a work too great for human wisdom. Let me call for an example. Experience has been called the best teacher. I call for an example of a great extent of country, governed by one government, or congress, call it what you will. I tell him that a government may be trimmed up according to gentlemen's fancy, but it never can operate—it will be but very short-lived.

However disagreeable it may be to lengthen my objections, I cannot help taking notice of what the honorable gentleman said. To me it appears that there is no check in that government. The president, senators, and representatives all immediately, or mediately, are the choice of the people. Tell me not of checks on paper; but tell me of checks founded on self-love. The English government is founded on self-love. This powerful irresistible stimulus of self-love has saved that government. It has interposed that hereditary nobility between the king and commons. If the house of lords assists or permits the king to overturn the liberties of the people, the same tyranny will destroy them; they will therefore keep the balance of the democratic branch. Suppose they see the commons encroach upon the king; self-love, that great

energetic check, will call upon them to interpose; for, if the king be destroyed, their destruction must speedily follow. Here is a consideration which prevails in my mind, to pronounce the British government superior in this respect to any government that ever was in any country. Compare this with your congressional checks. I beseech gentlemen to consider, whether they can say, when trusting power, that a mere patriotic profession will be equally operative and efficacious, as the check of self-love. In considering the experience of ages, is it not seen, that fair disinterested patriotism, and professions of attachment to rectitude, have never been solely trusted to by an enlightened, free people. If you depend on your president's and senators' patriotism, you are gone. Have you a resting-place like the British government? Where is the rock of your salvation? The real rock of political salvation is *self-love* perpetuated from age to age in every human breast, and manifested in every action. If they can stand the temptation of human nature, you are safe. If you have a good president, senators, and representatives, there is no danger. But can this be expected from human nature? Without real checks it will not suffice that some of them are good. A good president, or senator, or representative will have a natural weakness. Virtue will slumber. The wicked will be continually watching: consequently you will be undone. Where are your checks? You have no hereditary nobility—an order of men to whom human eyes can be cast up for relief: for, says the constitution, there is no title of nobility to be granted; which, by the bye, would not have been so dangerous, as the perilous cession of powers contained in that paper: because, as Montesquieu says, when you give titles of nobility, you know what you give, but *when you give power you know not what you give.* If you say, that out of this depraved mass, you can collect luminous characters, it will not avail, unless this luminous breed will be propagated from generation to generation: and even then, if the number of vicious characters will preponderate, you are undone. And that this will certainly be the case, is, to my

mind, perfectly clear. In the British government there are real balances and checks—in this system, there are only ideal balances. Till I am convinced that there are actual efficient checks, I will not give my assent to its establishment. The president and senators have nothing to lose. They have not that interest in the preservation of the government, that the king and lords have in England. They will therefore be regardless of the interests of the people. The constitution will be as safe with one body as with two. It will answer every purpose of human legislation. How was the constitution of England when only the commons had the power. I need only remark, that it was the most unfortunate era when that country returned to king, lords, and commons, without sufficient responsibility in the king. When the commons of England, in the manly language which became freemen, said to their king, *you are our servant*, then the temple of liberty was complete. From that noble source, have we derived our liberty: that spirit of patriotic attachment to one's country; that zeal for liberty, and that enmity to tyranny, which signalized the then champions of liberty, we inherit from our British ancestors. And I am free to own, that if you cannot love a republican government, you may love the British monarchy; for, although the king is not sufficiently responsible, the responsibility of his agents, and the efficient checks interposed by the British constitution, render it less dangerous than other monarchies, or oppressive tyrannical aristocracies.

What are the checks of exposing accounts? Checks upon paper are inefficient and nugatory. Can you search your president's closet? Is this a real check? We ought to be exceedingly cautious, in giving up this life—this soul—of money—this power of taxation to Congress. What powerful check is there here to prevent the most extravagant and profligate squandering of the public money? What security have we in money matters? Enquiry is precluded by this constitution. I never wish to see Congress supplicate the States. But it is more abhorrent to my mind to give them an unlimited and unbounded command over our souls

—our lives—our purses—without any check or restraint. How are you to keep enquiry alive? How discover their conduct? We are told by that paper, that a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time. Here is a beautiful check! What time? Here is the utmost latitude left. If those who are in Congress please to put that construction upon it, the words of the constitution will be satisfied by publishing those accounts once in 100 years. They may publish or not as they please. Is this like the present despised system, whereby the accounts are to be published monthly.

I come now to speak something of requisitions, which honorable gentlemen thought so truly contemptible and disgraceful. That honorable gentleman being a child of the revolution, must recollect with gratitude the glorious effects of requisitions. It is an idea that must be grateful to every American. An English army was sent to compel us to pay money contrary to our consent. To force us by arbitrary and tyrannical coercion to satisfy their unbounded demands. We wished to pay with our own consent. Rather than pay against our consent, we engaged in that bloody contest, which terminated so gloriously. By requisitions we pay with our own consent; by their means we have triumphed in the most arduous struggle that ever tried the virtue of man. We fought then, for what we are contending now; to prevent an arbitrary deprivation of our property, contrary to our consent and inclination. I shall be told in this place, that those who are to tax us are our representatives. To this I answer, that there is no real check to prevent their ruining us. There is no actual responsibility. The only semblance of a check is the negative power of not re-electing them. This, sir, is but a feeble barrier, when their personal interest, their ambition, and avarice come to be put in contrast with the happiness of the people. All checks founded on anything but self-love, will not avail. This constitution reflects in the most degrading and mortifying manner on the virtue,

integrity, and wisdom of the State legislatures: it presupposes that the chosen few who go to Congress will have more upright hearts, and more enlightened minds, than those who are members of the individual legislatures. To suppose that ten gentlemen shall have more real substantial merit than 170 is humiliating to the last degree. If, sir, the diminution of numbers be an augmentation of merit, perfection must centre in one. If you have the faculty of discerning spirits, it is better to point out at once the man who has the most illumined qualities. If ten men be better than 170, it follows of necessity that one is better than ten—the choice is more refined.

Such is the danger of the abuse of implied power, that it would be safer at once to have seven representatives, the number to which we are now entitled, than depend on the uncertain and ambiguous language of that paper. The number may be lessened instead of being increased; and yet by argumentative constructive implied power, the proportion of taxes may continue the same, or be increased. Nothing is more perilous than constructive power, which gentlemen are so willing to trust their happiness to.

If sheriffs prove now an over-match for our legislature; if their ingenuity has eluded the vigilance of our laws, how will the matter be amended when they come clothed with federal authority? A strenuous argument offered by gentlemen is, that the same sheriffs may collect for the continental and State treasuries. I have before shown, that this must have an inevitable tendency to give a decided preference to the federal treasury in the actual collections, and to throw all deficiencies on the State. This imaginary remedy for the evil of congressional taxation will have another oppressive operation. The sheriff comes to-day as a State collector—next day he is federal—how are you to fix him? How will it be possible to discriminate oppressions committed in one capacity, from those perpetrated in the other? Will not his ingenuity perplex the simple honest planter? This will at least involve in difficulties those who are unacquainted with legal ingenuity. When you fix

him, where are you to punish him? For, I suppose, they will not stay in our courts: they must go to the federal court; for, if I understand that paper right, all controversies arising under that constitution, or under the laws made in pursuance thereof, are to be tried in that court. When gentlemen told us, that this part deserved the least exception, I was in hopes they would prove that there was plausibility in their suggestions, and that oppression would probably not follow. Are we not told that it shall be treason to levy war against the United States? Suppose an insult offered to the federal laws at an immense distance from Philadelphia, will this be deemed treason? And shall a man be dragged many hundred miles to be tried as a criminal, for having, perhaps justifiably, resisted an unwarrantable attack upon his person or property? I am not well acquainted with federal jurisprudence; but it appears to me that these oppressions must result from this part of the plan. It is at least doubtful, and where there is even a possibility of such evils, they ought to be guarded against.

There are to be a number of places fitted up for arsenals and dock-yards in the different States. Unless you sell to Congress such places as are proper for these, within your State, you will not be consistent after adoption; it results therefore clearly that you are to give into their hands all such places as are fit for strongholds. When you have these fortifications and garrisons within your State, your State legislature will have no power over them, though they see the most dangerous insults offered to the people daily. They are also to have magazines in each State: these depositories for arms, though within the State, will be free from the control of its legislature. Are we at last brought to such a humiliating and debasing degradation, that we cannot be trusted with arms for our own defence? Where is the difference between having our arms in our own possession and under our own direction, and having them under the management of Congress? If our defence be the *real* object of having those arms, in whose hands can they be trusted with more propriety, or equal safety to us, as in our own hands?

If our legislature be unworthy of legislating for every foot in this State, they are unworthy of saying another word.

The clause which says that Congress shall "provide for arming, organizing, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers," seemed to put the States in the power of Congress. I wished to be informed, if Congress neglected to discipline them, whether the States were not precluded from doing it. Not being favored with a particular answer, I am confirmed in my opinion, that the States have not the power of disciplining them without recurring to the doctrine of constructive implied powers. If by implication the States may discipline them, by implication also, Congress may officer them: because, in a partition of power, each has a right to come in for part: and because implication is to operate in favor of Congress on all occasions, where their object is the extension of power, as well as in favor of the States. We have not one-fourth of the arms that would be sufficient to defend ourselves. The power of arming the militia, and the means of purchasing arms, are taken from the States by the paramount powers of Congress. If Congress will not arm them, they will not be armed at all.

There have been no instances shown of a voluntary cession of power sufficient to induce me to grant the most dangerous powers; a possibility of their future relinquishment will not persuade me to yield such powers.

Congress by the power of taxation—by that of raising an army, and by their control over the militia, have the sword in one hand, and the purse in the other. Shall we be safe without either? Congress have an unlimited power over both: they are entirely given up by us. Let him candidly tell me, where and when did freedom exist, when the sword and purse were given up from the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the sword and purse. Can you prove by any argumentative deduction, that it is possible to

be safe without retaining one of these? If you give them up you are gone.

Give us at least a plausible apology why Congress should keep their proceedings in secret. They have the power of keeping them secret as long as they please; for the provision for a periodical publication is too inexplicit and ambiguous to avail anything. The expression *from time to time*, as I have more than once observed, admits of any extension. They may carry on the most wicked and pernicious of schemes under the dark veil of secrecy. The liberties of a people never were nor ever will be secure, when the transactions of their rulers may be concealed from them. The most iniquitous plots may be carried on against their liberty and happiness. I am not an advocate for divulging indiscriminately all the operations of government, though the practice of our ancestors in some degree justifies it. Such transactions as relate to military operations, or affairs of great consequence, the immediate promulgation of which might defeat the interests of the community, I would not wish to be published, till the end which required their secrecy should have been effected. But to cover with the veil of secrecy the common routine of business, is an abomination in the eyes of every intelligent man, and every friend to his country.

The reporter here states that Mr. Henry then, in a very animated manner, expatiated on the evil and pernicious tendency of keeping secret the common proceedings of government; and said that it was contrary to the practice of other free nations. The people of England, he asserted, had gained immortal honor by the manly boldness wherewith they divulged to all the world their political disquisitions and operations; and that such a conduct inspired other nations with respect. He illustrated his arguments by several quotations. He then continued—

I appeal to this convention if it would not be better for America to take off the veil of secrecy. *Look at us*—

hear our transactions. If this had been the language of the federal convention, what would have been the result? Such a constitution would not have come out to your utter astonishment, conceding such dangerous powers and recommending secrecy in the future transactions of government. I believe it would have given more general satisfaction, if the proceedings of that convention had not been concealed from the public eye. This constitution authorizes the same conduct. There is not an English feature in it. The transactions of Congress may be concealed a century from the public, consistently with the constitution. This, sir, is a laudable imitation of the transactions of the Spanish treaty. We have not forgotten with what a thick veil of secrecy those transactions were covered.

We are told that this government collectively taken, is without an example—that it is national in this part and federal in that part, &c. We may be amused if we please, by a treatise of political anatomy. In the brain it is national: the stamina are federal—some limbs are federal, others national. The senators are voted for by the State legislatures, so far it is federal. Individuals choose the members of the first branch; here it is national. It is federal in conferring general powers; but national in retaining them. It is not to be supported by the States—the pockets of individuals are to be searched for its maintenance. What signifies it to me, that you have the most curious anatomical description of it in its creation? To all the common purposes of legislation it is a great consolidation of government. You are not to have the right to legislate in any but trivial cases: you are not to touch private contracts; you are not to have the right of having arms in your own defence: you cannot be trusted with dealing out justice between man and man. What shall the States have to do? Take care of the poor, repair and make highways, erect bridges, and so on, and so on. Abolish the State legislatures at once. What purposes should they be continued for? Our legislature will indeed be a ludicrous spectacle—180 men marching in solemn farcical procession, exhibiting a mournful proof of the lost

liberty of their country, without the power of restoring it. But, sir, we have the consolation that it is a mixed government; that is, it may work sorely on your neck; but you will have some comfort by saying, that it was a federal government in its origin.

I beg gentlemen to consider—lay aside your prejudices—is this a federal government? Is it not a consolidated government for every purpose almost? Is the government of Virginia a State government after this government is adopted? I grant that it is a republican government, but for what purposes? For such trivial domestic considerations, as render it unworthy the name of a legislature. I shall take leave of this political anatomy, by observing that it is the most extraordinary that ever entered into the imagination of man. If our political diseases demand a cure, this is an unheard of medicine. The honorable member, I am convinced, wanted a name for it. Were your health in danger, would you take new medicine? I need not make use of these exclamations; for every member in this committee must be alarmed at making new and unusual experiments in government. Let us have national credit and a national treasury in case of war. You never can want national resources in time of war; if the war be a national one; if it be necessary, and this necessity be obvious to the meanest capacity. The utmost exertion will be used by the people of America in this case. A republic has this advantage over a monarchy, that its wars are generally founded on more just grounds. A republic can never enter into a war, unless it be a national war—unless it be approved of, or desired by the whole community. Did ever a republic fail to use the utmost resources of the community when a war was necessary? I call for an example. I call also for an example, when a republic has been engaged in a war contrary to the wishes of its people. There are thousands of examples where the ambition of its prince has precipitated a nation into the most destructive war. No nation ever withheld power when its object was just and right. I will hazard an observation; I find fault

with the paper before you, because the same power that declares war, has the power to carry it on. Is it so in England? The king declares war: the House of Commons gives the means of carrying it on. This is a strong check on the king. He will enter into no war that is unnecessary; for the commons having the power of withholding the means, will exercise that power, unless the object of the war be for the interest of the nation. How is it here? The Congress can both declare war, and carry it on; and levy your money as long as you have a shilling to pay.

I shall now speak a little of the colonial confederacy which was proposed at Albany. Massachusetts did not give her consent to the project at Albany, so as to consolidate with the other colonies. Had there been a consolidation at Albany, where would have been their charters?—Would that confederacy have preserved their charters from Britain? The strength and energy of the then designed government would have crushed American opposition.

The American revolution took its origin from the comparative weakness of the British government; not being concentred in one point. A concentration of the strength and interest of the British government in one point, would have rendered opposition to its tyrannies fruitless.—For want of that consolidation do we now enjoy liberty, and the privilege of debating at this moment. I am pleased with the colonial establishment. The example which the honorable member has produced, to persuade us to depart from our present confederacy, rivets me to my former opinion, and convinces me that consolidation must end in the destruction of our liberties.

The honorable gentleman has told us of our ingratitude to France. She does not intend to take payment by force. Ingratitude shall not be laid to my charge. I wish to see the friendship between this country and that magnanimous ally, perpetuated. Requisitions will enable us to pay the debt we owe to France and other countries. She does not desire us to go from our beloved republican government. The change is inconsistent with our engagements with those

nations. It is cried out that those in opposition wish disunion. This is not true. They are the most strenuous friends to it. This government will clearly operate disunion. If it be heard on the other side of the Atlantic, that you are going to disunite and dissolve the confederacy: what says France? Will she be indifferent to an event that will so radically affect her treaties with us? Our treaty with her is founded on the confederation—we are bound to her as 13 States confederated. What will become of the treaty? It is said that treaties will be on a better footing. How so? Will the President, Senate, and House of Representatives be parties to them? I cannot conceive how the treaties can be as binding if the confederacy is dissolved, as they are now. Those nations will not continue their friendship then: they will become our enemies. I look on the treaties as the greatest pillars of safety. If the house of Bourbon keeps us, we are safe. Dissolve that confederacy—who has you? The British. Federalism will not protect you from the British. Is a connection with that country more desirable? I was amazed when gentlemen forgot the friends of America. I hope that this dangerous change will not be effected. It is safe for the French and Spaniards, that we should continue to be thirteen States—but it is not so, that we should be consolidated into one government. They have settlements in America—will they like schemes of popular ambition? Will they not have some serious reflections? You may tell them you have not changed your situation; but they will not believe you. If there be a real check intended to be left on Congress, it must be left in the State governments. There will be some check as long as the judges are incorrupt. As long as they are upright, you may preserve your liberty. But what will the judges determine when the State and federal authority come to be contrasted? Will your liberty then be secure, when the congressional laws are declared paramount to the laws of your State, and the judges are sworn to support them?

I am constrained to make a few remarks on the absurdity of adopting this system, and relying on the chance of get-

ting it amended afterwards. When it is confessed to be replete with defects, is it not offering to insult your understandings, to attempt to reason you out of the propriety of rejecting it, till it be amended? Does it not insult your judgments to tell you—adopt first, and then amend? Is your rage for novelty so great, that you are first to sign and seal, and then to retract? Is it possible to conceive a greater solecism? I am at a loss what to say. You agree to bind yourselves hand and foot—for the sake of what?—Of being unbound. You go into a dungeon—for what? To get out. Is there no danger when you go in, that the bolts of federal authority shall shut you in? Human nature never will part from power. Look for an example of a voluntary relinquishment of power, from one end of the globe to another—you will find none. Nine-tenths of our fellow-men have been, and are now, depressed by the most intolerable slavery, in the different parts of the world; because the strong hand of power has bolted them in the dungeon of despotism. Review the present situation of the nations of Europe, which is pretended to be the freest quarter of the globe. Cast your eyes on the countries called free there. Look at the country from which we are descended, I beseech you; and although we are separated by everlasting insuperable partitions, yet there are some virtuous people there who are friends to human nature and liberty. Look at Britain—see there, the bolts and bars of power—see bribery and corruption defiling the fairest fabric that ever human nature reared. Can a gentleman who is an Englishman, or who is acquainted with the English history, desire to prove these evils? See the efforts of a man descended from a friend of America—see the efforts of that man, assisted even by the king, to make reforms. But you find the faults too strong to be amended. Nothing but bloody war can alter them. See Ireland. That country groaned from century to century, without getting their government amended. Previous adoption was the fashion there. They sent for amendments *from time to time*, but never obtained them, though pressed by the

severest oppression, till 80,000 volunteers demanded them sword in hand—till the power of Britain was prostrate, when the American resistance was crowned with success. Shall we do so? If you judge by the experience of Ireland, you must obtain the amendments as early as possible. But, I ask you again, where is the example that a government was amended by those who instituted it? Where is the instance of the errors of a government rectified by those who adopted them?

I shall make a few observations to prove that the power over elections, which is given to Congress, is contrived by the Federal Government, that the people may be deprived of their proper influence in the government, by destroying the force and effect of their suffrages. Congress is to have a discretionary control over the time, place and manner of elections. The representatives are to be elected, consequently, when and where they please. As to the time and place, gentlemen have attempted to obviate the objection by saying that the time is to happen once in two years, and that the place is to be within a particular district, or in the respective counties. But how will they obviate the danger of referring the *manner* of election to Congress? Those illumined genii may see that this may not endanger the rights of the people; but to my unenlightened understanding, it appears plain and clear, that it will impair the popular weight in the government. Look at the Roman history. They had two ways of voting: the one by tribes, and the other by centuries. By the former, numbers prevailed: in the latter, riches preponderated. According to the mode prescribed, Congress may tell you that they have a right to make the vote of one gentleman go as far as the votes of one hundred poor men. The power over the manner admits of the most dangerous latitude. They may modify it as they please. They may regulate the number of votes by the quantity of property, without involving any repugnancy to the constitution. I should not have thought of this trick or contrivance had I not seen how the public liberty of Rome was trifled with by the mode of voting by centuries,

whereby one rich man had as many votes as a multitude of poor men. The plebeians were trampled on till they resisted. The patricians trampled on the liberties of the plebeians till the latter had spirit to assert their right to freedom and equality. The result of the American mode of election may be similar. Perhaps I shall be told that I have gone through the regions of fancy—that I deal in noisy exclamations and mighty professions of patriotism. Gentlemen may retain their opinions; but I look on that paper as the most fatal plan that could possibly be conceived to enslave a free people. If such be your rage for novelty, take it and welcome, but you never shall have my consent. My sentiments may appear extravagant, but I can tell you that a number of my fellow-citizens have kindred sentiments, and I am anxious if my country should come into the hands of tyranny to exculpate myself from being in any degree the cause, and to exert my faculties to the utmost to extricate her. Whether I am gratified or not in my beloved form of government, I consider that the more she is plunged into distress the more it is my duty to relieve her. Whatever may be the result, I shall wait with patience till the day may come when an opportunity shall offer to exert myself in her cause.

But I should be led to take that man for a lunatic who should tell me to run into the adoption of a government, avowedly defective, in hopes of having it amended afterward. Were I about to give away the meanest particle of my own property, I should act with more prudence and discretion. My anxiety and fears are great, lest America, by the adoption of this system, should be cast into a fathomless bottom.

Mr. Henry then concluded, that as he had not gone through all he intended to say, he hoped he would be indulged another time.

The debate was continued by Lee, Randolph, John Marshall, George Nicholas, Madison, and Pendleton for,

and James Monroe, Mason, and Wm. Grayson against adoption. On June 12, Mr. Henry spoke again as follows:

MR. HENRY.—MR. CHAIRMAN: Once more I find it necessary to trespass on your patience. An honorable gentleman several days ago observed that the great object of this government was justice. We were told before, that the greater consideration was union. However, the consideration of justice seems to have been what influenced his mind when he made strictures on the proceedings of the Virginia Assembly. I thought the reasons of that transaction had been sufficiently explained.

It is exceedingly painful to me to be objecting, but I must make a few observations. I shall not again review the catalogue of dangers which the honorable gentleman entertained us with. They appear to me absolutely imaginary. They have in my conception been proved to be such But sure I am that the dangers of this system are real, when those who have no similar interests with the people of this country are to legislate for us—when our dearest interests are left in the power of those whose advantage it may be to infringe them. How will the quotas of troops be furnished? *Hated* as requisitions are, your federal officers cannot collect troops like dollars, and carry them in their pockets. You must make those *abominable* requisitions for them, and the scale will be in proportion to the number of your blacks, as well as your whites, unless they violate the constitutional rule of apportionment. This is not calculated to rouse the fears of the people. It is founded in truth. How oppressive and dangerous must this be to the Southern States, who alone have slaves? This will render their proportion infinitely greater than that of the Northern States. It has been openly avowed that this shall be the rule. I will appeal to the judgments of the committee, whether there be danger. The honorable gentleman said that there was no precedent for *this* American revolution. We have precedents in abundance. They have been drawn from Great Britain.

Tyranny has arisen there in the same manner in which it was introduced among the Dutch. The tyranny of Philadelphia may be like the tyranny of George the Third. I believe this similitude will be incontestably proved before we conclude.

The honorable gentleman has endeavored to explain the opinion of Mr. Jefferson, our common friend, into an advice to adopt this new government. What are his sentiments? He wishes nine States to adopt, and that four States may be found somewhere to reject it. Now, sir, I say, if we pursue his advice, what are we to do? To prefer form to substance? For, give me leave to ask what is the substantial part of his counsel? It is, sir, that four States should *reject.* They tell us that, from the most authentic accounts, New Hampshire will adopt it. When I denied this, gentlemen said they were absolutely certain of it. Where then will four States be found to reject if we adopt it? If we do, the counsel of this enlightened and worthy countryman of ours will be thrown away, and for what? He wishes to secure amendments and a bill of rights, if I am not mistaken. I speak from the best information, and if wrong, I beg to be put right. His amendments go to that despised thing called a *a bill of rights*, and all the rights which are dear to human nature—trial by jury, the liberty of religion, and the press, etc. Do not gentlemen see that if we adopt under the idea of following Mr. Jefferson's opinion, we amuse ourselves with the shadow, while the substance is given away? If Virginia be for adoption, what States will be left, of sufficient respectability and importance, to secure amendments by their rejection? As to North Carolina it is *a poor despised place.* Its dissent will not have influence to introduce any amendments. Where is the American spirit of liberty? Where will you find attachment to the rights of mankind, when Massachusetts, the great Northern State, Pennsylvania, the great Middle State, and Virginia, the great Southern State, shall have adopted this government? Where will you find magnanimity enough to reject it? Should the remaining States

have this magnanimity, they will not have sufficient weight to have the government altered. This State has weight and importance. Her example will have powerful influence—her rejection will procure amendments. Shall we by our adoption hazard the loss of amendments? Shall we forsake that importance and respectability which our station in America commands, in hopes that relief will come from an obscure part of the Union? I hope my countrymen will spurn at the idea. The necessity of amendments is universally admitted. It is a word which is re-echoed from every part of the continent. A majority of those who hear me think amendments are necessary. Policy tells us they are necessary. Reason, self-preservation, and every idea of propriety powerfully urge us to secure the dearest rights of human nature—shall we in direct violation of these principles rest this security upon the uncertainty of its being obtained by a few States more weak and less respectable than ourselves—and whose virtue and magnanimity may be overborne by the example of so many adopting States? *Poor* Rhode Island and North Carolina, and even New York, surrounded with federal walls on every side, may not be magnanimous enough to reject, and if they do reject it, they will have but little influence to obtain amendments. I ask, if amendments be necessary, from whence can they be so properly proposed as from this State? The example of Virginia is a powerful thing, particularly with respect to North Carolina, whose supplies must come *through* Virginia. Every possible opportunity of procuring amendments is gone, our power and political salvation is gone, if we ratify unconditionally. The important right of making treaties is upon the most dangerous foundation. The President with a few Senators possess it in the most unlimited manner, without any real responsibility, if from sinister views they should think proper to abuse it. For they may keep all their measures in the most profound secrecy as long as they please. Were we not told that war was the case wherein secrecy was most necessary? But by the paper on your table their secrecy

is not limited to this case only. It is as unlimited and unbounded as their powers. Under the abominable veil of political secrecy and contrivance your most valuable rights may be sacrificed by a most corrupt faction, without having the satisfaction of knowing who injured you. They are bound by honor and conscience to act with integrity, but they are under no constitutional restraint. The navigation of the Mississippi, which is of so much importance to the happiness of the people of this country, may be lost by the operation of that paper. There are seven States now decidedly opposed to this navigation. If it be of the highest consequence to know who they are who shall have voted its relinquishment, the federal veil of secrecy will prevent that discovery. We may labor under the magnitude of our miseries without knowing or being able to punish those who produced them. I did not wish that transactions relative to treaties should when unfinished be exposed, but that it should be known after they were concluded who had advised them to be made, in order to secure some degree of certainty that the public interest shall be consulted in their formation.

We are told that all powers not given are reserved. I am sorry to bring forth hackneyed observations. But, sir, important truths lose nothing of their validity or weight, by frequency of repetition. The English history is frequently recurred to by gentlemen. Let us advert to the conduct of the people of that country. The people of England lived without a declaration of rights till the war in the time of Charles I. That king made usurpations upon the rights of the people. Those rights were in a great measure before that time undefined. Power and privilege then depended on implication and logical discussion. Though the declaration of rights was obtained from that king, his usurpations cost him his life. The limits between the liberty of the people and the prerogative of the king were still not clearly defined. The rights of the people continued to be violated till the Stuart family was banished in the year 1688. The people of England magnanimously defended their rights,

banished the tyrant, and prescribed to William, Prince of Orange, *by the bill of rights*, on what terms he should reign. And this bill of rights put an end to all construction and implication. Before this, sir, the situation of the public liberty of England was dreadful. For upward of a century the nation was involved in every kind of calamity, till the bill of rights put an end to all, by defining the rights of the people and limiting the king's prerogative. Give me leave to add (if I can add anything to so splendid an example) the conduct of the American people. They, sir, thought *a bill of rights* necessary. It is alleged that several States, in the formation of their government, omitted a bill of rights, To this I answer, that they had the substance of a bill of rights contained in their constitutions, which is the same thing. I believe that Connecticut has preserved by her constitution her royal charter, which clearly defines and secures the great rights of mankind. Secure to us the great important rights of humanity, and I care not in what form it is done. Of what advantage is it to the American Congress to take away this great and general security? I ask of what advantage is it to the public or to Congress to drag an unhappy debtor, not for the sake of justice, but to gratify the malice of the plaintiff, with his witnesses to the federal court, from a great distance? What was the principle that actuated the convention in proposing to put such dangerous powers in the hands of any one? Why is the trial by jury taken away? All the learned arguments that have been used on this occasion do not prove that it is secured. Even the advocates for the plan do not all concur in the certainty of its security. Wherefore is religious liberty not secure? One honorable gentleman who favors adoption said that he had had his fears on the subject. If I can well recollect, he informed us that he was perfectly satisfied by the powers of reasoning (with which he is so happily endowed) that those fears were not well grounded. There is many a religious man who knows nothing of argumentative reasoning; there are many of our most worthy citizens, who cannot go through

all the labyrinths of syllogistic argumentative deductions, when they think that the rights of conscience are invaded. This sacred right ought not to depend on constructive logical reasoning. When we see men of such talents and learning compelled to use their utmost abilities to convince themselves that there is no danger, is it not sufficient to make us tremble? Is it not sufficient to fill the minds of the ignorant part of men with fear? If gentlemen believe that the apprehensions of men will be quieted, they are mistaken; since our best informed men are in doubt with respect to the security of our rights. Those who are not so well informed will spurn at the government. When our common citizens, who are not possessed with such extensive knowledge and abilities, are called upon to change their bill of rights (which, in plain unequivocal terms, secures their most valuable rights and privileges) for construction and implication, will they implicitly acquiesce? Our declaration of rights tells us "That all men are by nature free and independent, etc." [Here Mr. HENRY read the declaration of rights.] Will they exchange these rights for logical reasons? If you had a thousand acres of land dependent on this, would you be satisfied with logical construction? Would you depend upon a title of so disputable a nature? The present opinions of individuals will be buried in entire oblivion when those rights will be thought of. That sacred and lovely thing religion ought not to rest on the ingenuity of logical deduction. Holy religion, sir, will be prostituted to the lowest purposes of human policy. What has been more productive of mischief among mankind than religious disputes? Then here, sir, is a foundation for such disputes, when it requires learning and logical deduction to perceive that religious liberty is secure. The honorable member told us that he had doubts with respect to the judiciary department. I hope those doubts will be explained. He told us that his object was union. I admit that the reality of union and not the name is the object which most merits the attention of every friend to his country. He told you that you should hear

many great *sounding words* on our side of the question. We have heard the *word union* from him. I have heard no word so often pronounced in this house as he did this. I admit that the American union is dear to every man—I admit that every man who has three grains of information must know and think that union is the best of all things. But as I said before, we must not mistake the end for the means. If he can show that the rights of the union are secure, we will consent. It has been sufficiently demonstrated that they are not secured. It sounds mighty prettily to gentlemen to curse paper money and honestly pay debts. But apply to the situation of America, and you will find there are thousands and thousands of contracts whereof equity forbids an exact literal performance. Pass that government and you will be bound hand and foot. There was an immense quantity of depreciated continental paper money in circulation at the conclusion of the war. This money is in the hands of individuals to this day. The holders of this money may call for the nominal value, if this government be adopted. This State may be compelled to pay her proportion of that currency pound for pound. Pass this government and you will be carried to the federal court (if I understand that paper right) and you will be compelled to pay shilling for shilling. I doubt on the subject, at least as a public man, I ought to have doubts. A State may be sued in the federal court by the paper on your table. It appears to me then, that the holder of the paper money may require shilling for shilling. If there be any latent remedy to prevent this, I hope it will be discovered.

The precedent with respect to the union between England and Scotland does not hold. The union of Scotland speaks in plain and direct terms. Their privileges were particularly secured. It was expressly provided that they should retain their own particular laws. Their nobles have a right to choose representatives to the number of sixteen. —I might thus go on and specify particulars, but it will suffice to observe generally that their rights and privileges were expressly and unequivocally reserved. The power of

direct taxation was not given up by the Scotch people. There is no trait in that union which will maintain their arguments. In order to do this they ought to have proved that Scotland united without securing their rights, and afterward got that security by subsequent amendments. Did the people of Scotland do this? No, sir, like a sensible people they trusted nothing to hazard. If they have but forty-five members, and those be often corrupted, these defects will be greater here. The number will be smaller, and they will be consequently the more easily corrupted. Another honorable gentleman advises us to give this power in order to exclude the necessity of going to war. He wishes to establish national credit I presume—and imagines that if a nation has public faith, and shows a disposition to comply with her engagements, she is safe among ten thousand dangers. If the honorable gentleman can prove that this paper is calculated to give us public faith, I will be satisfied. But if you be in constant preparation for war, on such airy and imaginary grounds, as the mere possibility of danger, your government must be military, which will be inconsistent with the enjoyment of liberty. But, sir, we must become formidable, and have a strong government to protect us from the British nation. Will the paper on the table prevent the attacks of the British navy, or enable us to raise a fleet equal to the British fleet? The British have the strongest fleet in Europe, and can strike anywhere. It is the utmost folly to conceive that that paper can have such an operation. It will be no less so to attempt to raise a powerful fleet. With respect to requisitions, I beseech gentlemen to consider the importance of the subject. We who are for amendments propose (as has been frequently mentioned) that a requisition shall be made for £200,000, for instance, instead of direct taxation, and that if it be not complied with, then it shall be raised by direct taxes. We do not wish to have strength to refuse to pay them, but to possess the power of raising the taxes in the most easy mode for the people. But, says he, you may delay us by this mode. Let us see if there be not sufficient

to counterbalance this evil. The oppression arising from taxation is not from the amount, but from the mode—a thorough acquaintance with the condition of the people is necessary to a just distribution of taxes. The whole wisdom of the science of government, with respect to taxation, consists in selecting that mode of collection which will best accommodate the convenience of the people. When you come to tax a great country, you will find that ten men are too few to settle the manner of collection. One capital advantage which will result from the proposed alternative is this, that there will be necessary communications between your ten members in Congress, and your 170 representatives here. If it goes through the hands of the latter, they will know how much the citizens *can* pay, and by looking at the paper on your table, they will know how much they *ought* to pay. No man is possessed of sufficient information to know how much we can or ought to pay.

We might also remonstrate, if by mistake or design, they should call for a greater sum than our proportion. After a remonstrance and a free investigation between our representatives here, and those in Congress, the error would be removed.

Another valuable thing which it will produce is, that the people will pay the taxes cheerfully. It is supposed that this would occasion a waste of time and be an injury to public credit. This would only happen if requisitions should not be complied with. In this case the delay would be compensated by the payment of interest, which with the addition of the credit of the State to that of the general government, would in a great measure obviate this objection. But if it had all the force which it is supposed to have, it would not be adequate to the evil of direct taxation. But there is every probability that requisitions would be then complied with. Would it not then be our interest, as well as duty, to comply? After non-compliance, there would be a general acquiescence in the exercise of this power. We are fond of giving power, at least power which is constitutional. Here is an option to pay according to

your own mode or otherwise. If you give probability fair play, you must conclude that they would be complied with. Would the Assembly of Virginia, by refusal, destroy the country and plunge the people into miseries and distress? If you give your reasoning faculty fair play, you cannot but know that payment must be made when the consequence of a refusal would he an accumulation of inconveniences to the people. Then they say, that if requisitions be not complied with, in case of a war, the destruction of the country may be the consequence; that, therefore, we ought to give the power of taxation to the government to enable it to protect us. Would not this be another reason for complying with requisitions, to prevent the country from being destroyed? You tell us that unless requisitions be complied with your commerce is gone. The prevention of this also will be an additional reason to comply.

He tells us that responsibility is secured by direct taxation. Responsibility instead of being increased, will be lost forever by it. In our State government our representatives may be severally instructed by their constituents. There are no persons to counteract their operations. They can have no excuse for deviating from our instructions. In the general government other men have power over the business. When oppressions may take place, our representatives may tell us, *We contended for your interest, but we could not carry our point, because the representatives from Massachusetts, New Hampshire, Connecticut, etc., were against us.* Thus, sir, you may see there is no real responsibility. He further said, that there was such a contrariety of interests as to hinder a consolidation. I will only make one remark—there is a variety of interests—some of the States owe a great deal on account of paper money—others very little—some of the Northern States have collected and barrelled up paper money. Virginia has sent thither her cash long ago. There is little or none of the Continental paper money retained in this State. Is it not their business to appreciate this money? Yes—and it will be your business to prevent it. But there will be a majority against

you, and you will be obliged to pay your share of this money in its nominal value. It has been said by several gentlemen that the freeness of elections would be promoted by throwing the country into large districts. I contend, sir, that it will have a contrary effect. It will destroy that connection that ought to subsist between the electors and the elected. If your elections be by districts instead of counties, the people will not be acquainted with the candidates. They must therefore be directed in the elections by those who know them. So that instead of a confidential connection between the electors and the elected they will be absolutely unacquainted with each other. A common man must ask a man of influence how he is to proceed, and for whom he must vote. The elected, therefore, will be careless of the interest of the electors. It will be a common job to extort the suffrages of the common people for the most influential characters. The same men may be repeatedly elected by these means. This, sir, instead of promoting the freedom of elections, leads us to an aristocracy. Consider the mode of elections in England. Behold the progress of an election in an English shire. A man of an enormous fortune will spend £30,000 or £40,000 to get himself elected. This is frequently the case. Will the honorable gentleman say that a poor man, as enlightened as any man in the island, has an equal chance with a rich man to be elected? He will stand no chance, though he may have the finest understanding of any man in the shire. It will be so here. Where is the chance that a poor man can come forward with the rich? The honorable gentleman will find that instead of supporting democratical principles, it goes absolutely to destroy them.

The State governments, says he, will possess greater advantages than the general government, and will consequently prevail. His opinion and mine are diametrically opposite. Bring forth the federal allurements, and compare them with the poor contemptible things that the State legislature can bring forth. On the part of the State legislatures, there are justices of peace and militia officers—and

even these justices and officers are bound by oath in favor of the constitution. A constable is the only man who is not obliged to swear paramount allegiance to this beloved Congress. On the other hand, there are rich, fat federal emoluments—your rich, snug, fine, fat federal offices—the number of collectors of taxes and excises will outnumber anything from the States. Who can cope with the excisemen and the taxmen? There are none in this country that can cope with this class of men alone. But, sir, is this the only danger? Would to Heaven that it were! If we are to ask which will last the longest—the State or the general government, you must take an army and a navy into the account. Lay these things together, and add to the enumeration the superior abilities of those who manage the general government. Can then the State governments look it in the face? You dare not look it in the face now, when it is but in *embryo*. The influence of this government will be such that you never can get amendments; for if you propose alterations, you will affront them. Let the honorable gentleman consider all these things and say whether the State governments will last as long as the Federal government. With respect to excises, I can never endure them. They have been productive of the most intolerable impressions everywhere. Make a probable calculation of the expense attending the legislative, executive, and judiciary. You will find that there must be an immense increase of taxes. We are the same mass of people we were before. In the same circumstances—the same pockets are to pay—the expenses are to be increased—what will enable us to bear this augmentation of taxes? The mere form of the government will not do it. A plain understanding cannot conceive how the taxes can be diminished, when our expenses are augmented, and the means of paying them not increased.

With respect to our tax-laws, we have purchased a little knowledge by sad experience upon the subject. Reiterated experiments have taught us what can alleviate the distresses and suit the convenience of the people. But we are now to

throw away that system by which we have acquired this knowledge, and send ten men to legislate for us.

The honorable gentleman was pleased to say that the representation of the people was the vital principle of this government. I will readily agree that it ought to be so. But I contend that this principle is only nominally, and not substantially to be found there. We contended with the British about representation; they offered us such a representation as Congress now does. They called it a virtual representation. If you look at that paper you will find it so there. Is there but a virtual representation in the upper house? The States are represented *as States*, by two Senators each. This is virtual, not actual. They encounter you with Rhode Island and Delaware. This is not an actual representation. What does the term representation signify? It means that a certain district—a certain association of men should be represented in the government for *certain ends*. These ends ought not to be impeded or obstructed in any manner. Here, sir, this populous State has not an adequate share of legislative influence. The two petty States of Rhode Island and Delaware, which together are infinitely inferior to this State in extent and population, have double her weight and can counteract her interest. I say that the representation in the Senate, as applicable to States, is not actual. Representation is not therefore the vital principle of this government—so far it is wrong.

Rulers are the servants and agents of the people—the people are their masters—does the new constitution acknowledge this principle? Trial by jury is the best appendage of freedom. Does it secure this? Does it secure the other great rights of mankind? Our own constitution preserves these principles. The honorable gentleman contributed to form that constitution; the applauses so justly due to it should, in my opinion, go to the condemnation of that paper.

With respect to the failures and errors of our government, they might have happened in any government. I do not justify what merits censure, but I shall not degrade my country. As to deviations from justice, I hope they

will be attributed to the errors of the head, and not to those of the heart.

The honorable gentleman did our judiciary honor in saying that they had firmness to counteract the legislature in some cases. Yes, sir, our judges opposed the acts of the legislature. We have this landmark to guide us. They had fortitude to declare that they were the judiciary and would oppose unconstitutional acts. Are you sure that your federal judiciary will act thus? Is that judiciary so well constructed and so independent of the other branches as our State judiciary? Where are the landmarks in this government? I will be bold to say you cannot find any in it. I take it as the highest encomium on this country that the acts of the legislature, if unconstitutional, are liable to be opposed by the judiciary.

Then the honorable gentleman said that the two judiciaries and legislatures would go in a parallel line and never interfere—that as long as each was confined to its proper objects, that there would be no danger of interference—that like two parallel lines as long as they continued in their parallel direction they never would meet. With submission to the honorable gentleman's opinion, I assert that there is danger of interference, because no line is drawn between the powers of the two governments in many instances; and where there is a line there is no check to prevent the one from encroaching upon the powers of the other.

I therefore contend that they must interfere, and that this interference must subvert the State government, as being less powerful. Unless your government have checks, it must inevitably terminate in the destruction of your privileges. I will be bold to say, that the British government has real checks. I was attacked by gentlemen, as if I had said that I loved the British government better than our own. I never said so. I said that if I were obliged to relinquish a republican government, I would choose the British monarchy. I never gave the preference to the British or any other government, when compared to *that* which the honorable gentleman assisted to form. I

was constrained to say what I said. When two disagreeable objects present themselves to the mind, we choose that which has the least deformity.

As to the Western country, notwithstanding our representation in Congress, and notwithstanding any regulation that may be made by Congress, it may be lost. The seven Northern States are determined to give up the Mississippi. We are told that in order to secure the navigation of that river, it was necessary to give it up twenty-five years to the Spaniards, and that thereafter we should enjoy it forever without any interruption from them. This argument resembles that which recommends adopting first and then amending. I think the reverse of what the honorable gentleman said on this subject. Those seven States are decidedly against it. He tells us that it is the policy of the whole Union to retain it. If men were wise, virtuous, and honest we might depend on an adherence to this policy. Did we not know of the fallibility of human nature, we might rely on the present structure of this government. We might depend that the rules of propriety, and the general interest of the Union would be observed. But the depraved nature of man is well known. He has a natural bias toward his own interest, which will prevail over every consideration, unless it be checked. It is the interest and inclination of the seven Northern States to relinquish this river. If you enable them to do so, will the mere propriety of consulting the interest of the other six States restrain them from it? Is it imagined that Spain will, after a peaceable possession of it for thirty years, give it up to you again? Can credulity itself hope that the Spaniards, who wish to have it for that period, wish to clear the river for you? What is it they wish? To clear the river? For whom? America saw the time when she had the reputation of common sense at least. Do you suppose they will restore it to you after thirty years? If you do, you depart from that rule. Common observation tells you that it must be the policy of Spain to get it first, and then retain it forever. If you give it up, in my poor estimation, they

will never voluntarily restore it. Where is the man who will believe that after clearing the river, strengthening themselves, and increasing the means of retaining it, the Spaniards will tamely surrender it?

With respect to the concurrent collection of parochial, county, and state taxes, which the honorable gentleman has instanced as a proof of the practicability of the concurrent collection of taxes by the general and State governments, the comparison will not stand examination. As my honorable friend has said, these concurrent collections come from one power. They irradiate from the same centre. They are not co-equal or co-extensive. There is no clashing of power between them. Each is limited to its own particular objects, and all subordinate to one supreme controlling power—the legislature. The county courts have power over the county and parish collections, and can constantly redress any injuries or oppressions committed by the collectors. Will this be the case in the federal courts? I hope they will not have federal courts in every county. If they will, the State courts will be debased and stripped of their cognizance, and utterly abolished. Yet if there be no power in the county to call them to account, they will more flagrantly trample on your rights. Does the honorable gentleman mean that the thirteen States will have thirteen different tax laws? Is this the expedient which is to be substituted to the unequal and unjust one of uniform taxes? If so, many horrors present themselves to my mind. They may be imaginary, but it appears to my mind to be the most abominable system that could be imagined. It will destroy every principle of responsibility. It will be destructive of the fellow-feeling and consequent confidence which ought to subsist between the representatives and the represented. We shall then be taxed by those who bear no part of the taxes themselves, and who consequently will be regardless of our interest in imposing them upon us. The efforts of our ten men will avail very little when opposed by the Northern majority. If our ten men be disposed to sacrifice our interests, we cannot detect them. Under the

color of being out-numbered by the Northern representatives, they can always screen themselves. When they go to the general government they may make a bargain with the Northern delegates. They may agree to tax our citizens in any manner which may be proposed by the Northern members; in consideration of which the latter may make them some favorite concessions. The Northern States will never assent to regulations promotive of the Southern aggrandizement. Notwithstanding what gentlemen say of the probable virtue of our representatives, I dread the depravity of human nature. I wish to guard against it by proper checks, and trust nothing to accident or chance. I will never depend on so slender a protection as the possibility of being represented by virtuous men.

Will not thirteen different objects of taxation in the thirteen different States involve us in an infinite number of inconveniences and absolute confusion? There is a striking difference, and great contrariety of interests between the States. They are naturally divided into carrying and productive States. This is an actual existing distinction which cannot be altered. The former are more numerous, and must prevail. What, then, will be the consequence of their contending interests, if the taxation of America is to go on in thirteen different shapes? This government subjects everything to the Northern majority. Is there not then a settled purpose to check the Southern interest? We thus put unbounded power over our property in hands not having a common interest with us. How can the Southern members prevent the adoption of the most oppressive mode of taxation in the Southern States, as there is a majority in favor of the Northern States? Sir, this is a picture so horrid, so wretched, so dreadful, that I need no longer dwell upon it.

Mr. Henry then concluded, says the reporter, by remarking that he dreaded the most iniquitous speculation and stock-jobbing from the operation of such a system.

On June 13 the Convention, on the motion of Mr. Henry, called upon its members who had also been members of Congress, to give an account of the proceedings in Congress in reference to the relinquishment of the right to navigate the Mississippi. Statements were made by Lee, Grayson, Monroe, and Madison. Thereupon Mr. Henry said:

MR. HENRY.—MR. CHAIRMAN: I hope, sir, that as the honorable gentleman on my left set the example of debating the merits, that whatever may result as consequences of that example may not be attributed to me. I hope that I shall be indulged in offering a few words in addition to what has been said. Gentlemen may do what they will. Their reflections will have no influence on me. It is said that we are scuffling for Kentucky votes, and attending to local circumstances. But if you consider the interest of this country, you will find that the interest of Virginia and Kentucky are most intimately and vitally connected. When I see the great rights of the community in real danger, the ideal dangers which gentlemen speak of dissipate. An union with our Western brethren is highly desirable almost on any terms; an union with them alone can lessen or annihilate the dangers arising from that species of population, of which we have been reminded in the catalogue of dangers which were dwelt upon. They are at present but few in number, but may be very numerous hereafter. If that fatal policy shall take place, you throw them into the arms of Spain. If Congress should, for a base purpose, give away this dearest right of the people, your Western brethren will be ruined. We ought to secure to them that navigation which is necessary to their very existence. If we do not, they will look upon us as betrayers of their interest. Shall we appear to care less for their interest than for that of distant people? When gentlemen tell us that the change of system will render our Western brethren more secure, and that this system will not betray them, they ought to prove it. When a matter which respects the great national

interests of America is concerned, we expect the most decided proofs. Have they given any? Unless you keep open the Mississippi, you never can increase in number. Although your population should go on to an infinite degree, you will be in the minority in Congress; and although you should have a right to be the majority, yet so unhappily is this system of politics constituted, that you will ever be a contemptible minority. To preserve the balance of American power it is essentially necessary that the right to the Mississippi should be secured.

But, said the honorable gentleman, the Eastern States will wish to secure their fishery, and will therefore favor this right. How does he draw the inference? Is it possible that they can act on that principle? The principle which led the Southern States to admit of the cession was to avoid the most dreadful perils of the war. But their difficulties are now ended in peace. Is there anything like this that can influence the minds of the people of the North? Since the peace, those States have discovered a determined resolution to give it away. There was no similar danger to compel them to yield it? No, sir, they wished to relinquish it. Without any kind of necessity, they acted in conformity to their natural disposition, with respect to emigrations going on in that quarter. This, though improbable, may be so. But to say that because some settlements are going on in New York, Massachusetts will form a connection with the Mississippi, is to my mind most wonderful indeed. The great balance will be in the southern parts of America. There is the most extensive and fertile territory. There is the happiest geographical position, situated contiguously to that valuable and inestimable river. But the settlement of that country will not be warranted by the new constitution, if it will not be forbidden by it. No constitution under heaven, founded on the principles of justice, can warrant the relinquishment of the most sacred rights of the society, to promote the interest of one part of it. Do you not see the danger into which you are going to throw one of your dearest and most valuable rights? The

people of that country now receive great and valuable emoluments from that right being protected by the existing government. But they must now abandon them. For is there any actual security? Show me any clause in that paper which secures that great right. What was the calculation which told you that they would be safer under the new than the old government? In my mind, it was erroneous. The honorable gentleman told you that there were two bodies or branches which must concur to make a treaty. Sir, the President as distinguished from the Senate is nothing. They will combine and be as one. My honorable friend said that ten men, the Senators of five States, could give it up. The present system requires the consent of nine States. Consequently their security will be much diminished. The people of Kentucky, though weak now, will not let the President and Senate take away this right. Look aright and see this abominable policy—consider seriously its fatal and pernicious tendency. Have we not that right guaranteed to us by the most respectable power in Europe? France has guaranteed to us our sovereignty and all its appendages. What are its appendages? Are not the rivers and waters that wash the shores of the country appendages, inseparable from our right of sovereignty? France has guaranteed this right to us in the most full and extensive manner. What would have been the consequences had this project with Spain been completed and agreed to? France would have told you, "You have given it up yourselves—you have put it on a different footing, and if your bad policy has done this, it is your own folly. You have drawn it on your own heads, and as you have bartered away this valuable right, neither policy nor justice will call on me to guarantee what you gave up yourselves." This language would satisfy the most sanguine American.

Is there any opinion, that any future projects will better secure you? If this strong government contended for be adopted, seven States will give it up forever. For a temporary cession, is, in my opinion, perfectly the same thing.

The thing is so obviously big with danger that the blind man himself might see it.

As to the American Secretary, the goodness of his private character is not doubted. It is public conduct which we are to inspect. The public conduct of this Secretary goes against the express authority of nine States. Although he may be endowed with the most brilliant talents, I have a right to consider his politics as abandoned. Yet his private virtues may merit applause. You see many attempts made, which, when brought into actual experiment, are found to result from abandoned principles. The States are geographically situated so and so. Their circumstances are well known. It is suggested this expedient was only to temporize till a more favorable opportunity. Will any gentleman tell me that the business was taken up hastily when that vote was taken in Congress? When you consider the ability of the gentlemen who voted in Congress on that question, you must be persuaded that they knew what they were about. American interest was fully understood. New Jersey called her delegates from Congress for having voted against this right. Delegates may be called and instructed under the present system; but not by the new constitution. The measure of the Jersey delegates was averse to the interest of that State, and they were recalled for their conduct.

The honorable gentleman has said, that the House of Representatives would give some curb to this business of treaties respecting the Mississippi. This to me is incomprehensible. He will excuse me if I tell him he is exercising his imagination and ingenuity. Will the honorable gentleman say that the House of Representatives will break through their balances and checks, and break into the business of treaties? He is obliged to support this opinion of his by supposing that the checks and balances of this constitution are to be an impenetrable wall for some purposes, and a mere cobweb for some other purposes. What kind of constitution then can this be?—I leave gentlemen to draw the inference. I may have misunderstood the gentle-

man, but my notes tell me that he said the House of Representatives might interfere and prevent the Mississippi from being given away. They have no power to do this by the constitution. There will be a majority against it there also. Can you find on the journals the names of those who sacrifice your interest? Will they act so imprudently as to discover their own nefarious project? At present you may appeal to the voice of the people, and send men to Congress positively instructed to obey your direction. You can recall them if their system of policy be ruinous. But can you in this government recall your Senators? Or can you instruct them? You *cannot* recall them. You may instruct them, and offer your opinions; but if they think them improper, they may disregard them. If they give away or sacrifice your most valuable rights, can you impeach or punish them? If you should see the Spanish ambassador bribing one of your Senators with gold, can you punish him? Yes—you can impeach him before the Senate. A majority of the Senate may be sharers in the bribe. Will they pronounce him guilty who is in the same predicament with themselves? Where then is the security? I ask not this out of triumph, but anxiously to know if there be any real security.

The gentleman here observed what I would not give a single pin for. The doctrine of chances, it seems, will operate in our favor. This ideal figurative doctrine will satisfy no rational people. I have said enough to answer the gentleman as to retaining the navigation.

Give me leave to tell you that when the great branch of the house of Bourbon has guaranteed to us this right, I wish not to lean on American strength, which may be employed to sacrifice it. This present despised system alone has reserved it. It rests on strong grounds—on the arms of France. The honorable member then told us that he thought the project would not be revived. Here again the doctrine of chances is introduced. I will admit that the honorable gentleman can calculate as to future events. But it is too much for him to say that it will not be taken

up again. The same disposition may again revive that nefarious abandoned project. I can inform him of this, that the American ambassador advises *to let it rest for the present*, which insinuates that it will be resumed at a more favorable opportunity. If this be the language or spirit which causes its suspension, this nefarious, abominable project will be again introduced the first favorable opportunity. We cannot fortify the Atlantic Ocean. The utmost we can do, is to become formidable to the westward. This will be prevented if this abominable project be adopted.

Mr. Henry then added, that in treating the subject at large he followed the example of other gentlemen, and that he trusted he should be permitted to consider it generally again.

On June 14 the Convention proceeded in the discussion of the proposed constitution, clause by clause. When the sixth section of the first article was read, Mr. Henry said:

MR. HENRY.—MR. CHAIRMAN: Our burden, should, if possible, be rendered more light. I was in hopes some other gentleman would have objected to this part. The pay of the members is, by the constitution, to be fixed by themselves, without limitation or restraint. They may therefore indulge themselves to the fullest extent. They may make their compensations as high as they please. I suppose, if they be good men, their own delicacy will lead them to be satisfied with moderate salaries. But there is no security for this, should they be otherwise inclined. I really believe that if the State legislatures were to fix their pay, no inconvenience would result from it, and the public mind would be better satisfied. But in the same section there is a defect of a much greater consequence. There is no restraint on corruption. They may be appointed to offices without any material restriction, and the principal source of corruption in representatives is the hopes and expectations of offices and emoluments. After the first

organization of offices, and the government is put in motion, they may be appointed to any existing offices which become vacant, and they may create a multiplicity of offices, in order thereafter to be appointed to them. What says the clause? "No Senator or Representative, shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time." This is an idea strangely expressed. He shall not accept of any office created during the time he is elected for, or to any office whereof the emoluments have been increased in that time! Does not this plainly say, that if an office be not created during the time for which he is elected, or if its emoluments be not increased during such time, that he may accept of it? I can see it in no other light. If we wish to preclude the enticement to getting offices, there is a clear way of expressing it. If it be better that Congress should go out of their representative offices, by accepting other offices, then it ought to be stated. If not, we require an amendment in the clause that it shall not be so. I may be wrong. Perhaps the honorable member may be able to give a satisfactory answer on this subject.

When the eighth section of Art. 1 was under discussion on the same day, Mr. Henry said:

Mr. Henry. — Mr. Chairman: In my judgment the friends of the opposition have to act cautiously. We must make a firm stand before we decide. I was heard to say, a few days ago, that the sword and purse were the two great instruments of government, and I professed great repugnance at parting with the purse, without any control, to the proposed system of government. And now when we proceed in this formidable compact, and come to the national defence, the sword, I am persuaded we ought to be still more cautious and circumspect; for I feel still more reluctance to surrender this most valuable of rights.

The honorable member, who has risen to explain several parts of the system, was pleased to say, that the best way of avoiding the danger of a standing army was to have the militia in such a way as to render it unnecessary, and that as the new government would have power over the militia, we should have no standing army, it being unnecessary. This argument destroys itself. It demands a power, and denies the probability of its exercise. There are suspicions of power on the one hand, and absolute and unlimited confidence on the other. I hope to be one of those who have a large portion of suspicion. I leave it to this house, if there be not too small a portion on the other side; by giving up too much to that government, you can easily see which is the worst of two extremes. Too much suspicion may be corrected. If you give too little power to-day, you may give more to-morrow. But the reverse of the proposition will not hold. If you give too much power to-day, you cannot retake it to-morrow. For to-morrow will never come for *that* purpose. If you have the fate of other nations, you will never see it. It is easier to supply deficiencies of power, than to take back excess of power. This no man can deny.

But, says the honorable member, Congress will keep the militia armed, or in other words, they will do their duty. Pardon me, if I am too jealous and suspicious to confide in this remote possibility. My honorable friend went on a supposition that the American rulers, like all others, will depart from their duty without bars and checks. No government can be safe without checks. Then the honorable member told us they had no temptation to violate their duty, and that it would be their interest to perform it. Does he think you are to trust men who cannot have separate interests from the people? It is a novelty in the political world (as great a novelty as the system itself) to find rulers without private interests, and views of personal emoluments and ambition. His supposition, that they will not depart from their duty, as having no interest to do so, is no satisfactory answer to my mind. This is no check. The

government may be most intolerable and destructive, if this be our only security.

My honorable friend attacked the honorable gentleman with universal principles. That, in all nations and ages, rulers have been actuated by motives of individual interests, and private emoluments, and that in America it would be so also. I hope, before we part with this great bulwark, this noble palladium of safety, we will have such checks interposed as will render us secure. The militia, sir, is our ultimate safety. We can have no security without it. But then, he says, that the power of arming and organizing the militia is concurrent, and to be equally exercised by the general and State governments. I am sure, and I trust in the candor of that gentleman, that he will recede from that opinion, when his recollection will be called to the particular clause which relates to it.

As my worthy friend said, there is a positive partition of power between the two governments. To Congress is given the power of "arming, organizing, and disciplining the militia, and governing such part of them as may be employed in the service of the United States." To the State legislators is given the power of "appointing the officers and training the militia according to the discipline prescribed by Congress." I observed before, that if the power be concurrent as to arming them, it is concurrent in other respects. If the States have the right of arming them, etc., concurrently, Congress has a concurrent power of appointing the officers and training the militia. If Congress have that power, it is absurd. To admit this mutual concurrence of powers will carry you into endless absurdity. That Congress has nothing exclusive on the one hand, nor the States on the other! The rational explanation is, that Congress shall have exclusive power of arming them, etc., and that the State governments shall have exclusive power of appointing the officers, etc. Let me put it into another light.

May *we* not discipline and arm them as well as Congress, if the power be concurrent? So that our militia

shall have two sets of arms, double sets of regimentals, etc., and thus at a very great cost we shall be doubly armed. The great object is that every man be armed. But can the people afford to pay for double sets of arms, etc.? Everyone who is able may have a gun. But have we not learned by experience, that necessary as it is to have arms, and though our Assembly has, by a succession of laws for many years, endeavored to have the militia completely armed, it is still far from being the case? When this power is given up to Congress without limitation or bounds, how will your militia be armed? You trust to chance; for sure I am that that nation which shall trust its liberties in other hands cannot long exist. If gentlemen are serious when they suppose a concurrent power, where can be the impolicy to amend it? Or, in other words, to say that Congress shall not arm or discipline them till the States shall have refused or neglected to do it? This is my object. I only wish to bring it to what they themselves say is implied. Implication is to be the foundation of our civil liberties, and when you speak of arming the militia by a concurrence of power, you use implication. But implication will not save you, when a strong army of veterans comes upon you. You would be laughed at by the whole world, for trusting your safety implicitly to implication.

The argument of my honorable friend was, that rulers *might* tyrannize. The answer he received was, that they *will not.* In saying that they *would not*, he admitted they *might.* In this great, this essential part of the constitution, if you are safe, it is not from the constitution, but from the virtues of the men in government. If gentlemen are willing to trust themselves and posterity to so slender and improbable a chance, they have greater strength of nerves than I have.

The honorable gentleman in endeavoring to answer the question, why the militia were to be called forth to execute the laws, said that the civil power would probably do it. He is driven to say, that the civil power *may* do it instead of the militia. Sir, the military power ought not to

interpose till the civil power refused. If this be the spirit of your new constitution, that the laws are to be enforced by military coercion, we may easily divine the happy consequences which will result from it. The civil power is not to be employed at all. If it be, show me it. I read it attentively, and could see nothing to warrant a belief that the civil power can be called for. I would be glad to see the power that authorizes Congress to do so. The sheriff will be aided by military force. The most wanton excesses may be committed under color of this. For every man in office, in the States, is to take an oath to support it in all its operations. The honorable gentleman said, in answer to the objection, that the militia might be marched from New Hampshire to Georgia, that the members of the government would not attempt to excite the indignation of the people. Here again we have the general unsatisfactory answer, that they will be virtuous, and that there is no danger. Will gentlemen be satisfied with an answer which admits of dangers and abuses, if they be wicked? Let us put it out of their power to do mischief. I am convinced there is no safety in the paper on the table as it stands now. I am sorry to have an occasion to pass an eulogium on the British government, as gentlemen may object to it. But how natural it is, when comparing deformity to beauty, to be struck with the superiority of the British government to that system? In England, self-love, self-interest, powerfully stimulates the executive magistrate to advance the prosperity of the nation. In the most distant parts he feels the loss of his subjects. He will see the great advantage of his posterity inseparable from the felicity of his people. Man is a fallen creature, a fallible being, and cannot be depended on without self-love. Your President will not have the same motives of self-love to impel him to favor your interests. His political character is but transient, and he will promote as much as possible his own private interests. He will conclude, the constant observation has been, that he will abuse his power, and that it is expected. The king of England has a more permanent interest. His flock, his family, is to

continue in possession of the same emoluments. The more flourishing his nation, the more formidable and powerful is he. The sword and purse are not united in that government in the same hands, as in this system. Does not infinite security result from a separation?

But it is said that our Congress are more responsible than the British Parliament. It appears to me there is no *real*, but there may be some *specious* responsibility. If Congress, in the execution of their unbounded powers shall have done wrong, how will you come at them to punish them, if they are at the distance of five hundred miles? At such a great distance they will evade responsibility altogether. If you have given up your militia, and Congress shall refuse to arm them, you have lost everything. Your existence will be precarious, because you depend on others, whose interests are not affected by your infelicity. If Congress are to arm us exclusively, the man of New Hampshire may vote for or against it, as well as the Virginian. The great distance and difference between the two places render it impossible that the people of that country can know, or pursue what will promote our convenience. I therefore contend that if Congress do not arm the militia, we ought to provide for it ourselves.

Nicholas and Madison replied to Mr. Henry, who the same day took the floor again and said:

Mr. Henry.—Mr. Chairman: It is now confessed that this is a national government. There is not a single federal feature in it. It has been alleged within these walls, during the debates, to be national and federal, as it suited the arguments of gentlemen. But now when we have heard the definition of it, it is purely national. The honorable member is pleased to say that the sword and purse included everything of consequence. And shall we trust them out of our hands without checks and barriers? The sword and purse are essentially necessary for the government. Every essential requisite must be in Congress. Where are the purse and sword of Virginia? They must

go to Congress. What is become of your country? The Virginian government is but a name. It clearly results from his last argument that we are to be consolidated. We should be thought unwise indeed to keep two hundred legislators in Virginia when the government is in fact gone to Philadelphia or New York. We are as a State to form no part of the government. Where are your checks? The most essential objects of government are to be administered by Congress. How then can the State governments be any check upon them? If we are to be a republican government it will be consolidated, not confederated.

The means, says the gentleman, must be commensurate to the end. How does this apply? All things in common are left with this government. There being an infinitude in the government, there must be an infinitude of means to carry it on. This is a sort of mathematical government that may appear well on paper, but cannot sustain examination, or be safely reduced to practice. The delegation of power to an adequate number of representatives, and an unimpeded reversion of it back to the people at short periods, form the principal traits of a republican government. The idea of a republican government in that paper is something superior to the poor people. The governing persons are the servants of the people. There the servants are greater than their masters; because it includes infinitude, and infinitude excludes every idea of subordination. In this the creature has destroyed and soared above the creator. For if its powers be infinite, what rights have the people remaining? By that very argument despotism has made its way in all countries, where the people unfortunately have been enslaved by it. We are told the sword and purse are necessary for the national defence. The junction of these without limitation in the same hands, is, by logical and mathematical conclusions, the description of despotism.

The reasons adduced here to-day have long ago been advanced in favor of passive obedience and non-resistance. In 1688, the British nation expelled their monarch for attempting to trample on their liberties. The doctrine of di-

vine right and passive obedience—said to be commanded by heaven—was inculcated by his minions and adherents. He wanted to possess, without control, the sword and purse. The attempt cost him his crown. This government demands the same powers. I see reason to be more and more alarmed. I fear it will terminate in despotism. As to his objection of the abuse of liberty, it is denied. The political enquiries and promotions of the peasants is a happy circumstance. A foundation of knowledge is a great mark of happiness. When the spirit of enquiry after political discernment goes forth among the lowest of the people, it rejoices my heart. Why such fearful apprehensions? I defy him to show that liberty has been abused. There has been no rebellion here, though there was in Massachusetts. Tell me of any country which has been so long without a rebellion. Distresses have been patiently borne in this country which would have produced revolutions in other countries. We strained every nerve to make provisions to pay off our soldiers and officers. They, though not paid, and greatly distressed at the conclusion of the war, magnanimously acquiesced. The depreciation of the circulating currency very much involved many of them, and thousands of other citizens, in absolute ruin; but the same patient fortitude and forbearance marked their conduct. What would the people of England have done in such a situation? They would have resisted the government and murdered the tyrant. But in this country no abuse of power has taken place. It is only a general assertion, unsupported, which suggests the contrary. Individual licentiousness will show its baneful consequences in every country, let its government be what it may.

But the honorable gentleman says, responsibility will exist more in this than in the British government. It exists here more in name than anything else. I need not speak of the executive authority. But consider the two houses—the American parliament. Are the members of the Senate responsible? They may try themselves, and if found guilty on impeachment, are to be only removed from office. In

England the greatest characters are brought to the block for their sinister administration. They have a power there, not to dismiss them from office, but from life, for malpractice. The king himself cannot pardon in this case. How does it stand with respect to your lower house? You have but ten; whatever number may be there, six is a majority. Will your country afford no temptation, no money to corrupt them? Cannot six fat places be found to accommodate them? They may, after the first Congress, take any place. There will be a multiplicity of places. Suppose they corruptly obtain places. Where will you find them to punish them? At the farthest parts of the Union. In the ten miles square; or within a State where there is a stronghold. What are you to do when these men return from Philadelphia? Two things are to be done. To detect the offender and bring him to punishment. You will find it difficult to do either. In England the proceedings are openly transacted. They deliver their opinions freely and openly. They do not fear all Europe. Compare it to this. You cannot detect the guilty. The publication from time to time is merely optional in them. They may prolong the period, or suppress it altogether under pretence of its being necessary to be kept secret. The yeas and nays will avail nothing. Is the publication daily? It may be a year, or once in a century. I know this would be an unfair construction in the common concerns of life. But it would satisfy the words of the constitution. It would be some security were it once a year, or even once in two years. When the new election comes on, unless you detect them, what becomes of your responsibility? Will they discover their guilt when they wish to be re-elected? This would suppose them to be not only bad, but foolish men. In pursuit of responsibility, have you a right to scrutinize into the conduct of your representatives? Can any man who conceives himself injured go and demand a sight of their journals? But it will be told that I am suspicious. I am answered to every question, that they will be good men. In England they see daily what is doing in Parlia-

ment. They will hear from their Parliament in one thirty-ninth part of the time that we will hear from Congress in this scattered country. Let it be proposed in England to lay a poll-tax, or enter into any measure that will injure one part and produce emoluments to another, intelligence will fly quickly as the rays of light to the people. They will instruct their representatives to oppose it, and will petition against it, and get it prevented or redressed instantly. Impeachment follows quickly a violation of duty. Will it be so here? You must detect the offence, and punish the defaulter. How will this be done when you know not the offender, even though he had a previous design to commit the misdemeanor? Your parliament will consist of sixty-five. Your share will be ten out of the sixty-five. Will they not take shelter, by saying they were in the minority —that the men from New Hampshire and Kentucky outvoted them? Thus will responsibility, that great pillar of a free government, be taken away.

The honorable gentleman wished to try the experiment. Loving his country as he does, he would not surely wish to trust its happiness to an experiment, from which much harm, but no good may result.

I will speak another time, and will not fatigue the committee now. I think the friends of the opposition ought to make a pause here; for I can see no safety to my country if you give up this power.

After speeches from Madison, Randolph, Lee, and Mason, Mr. Henry took the floor on June 16, the eighth section still being under consideration. He said he thought it necessary and proper that they should take a collective view of this whole section, and revert again to the first clause. He adverted to the clause which gives Congress the power of raising armies, and proceeded as follows:

To me this appears a very alarming power, when unlimited. They are not only to raise, but to support armies;

and this support is to go to the utmost abilities of the United States. If Congress shall say that the general welfare requires it, they may keep armies continually on foot. There is no control on Congress in raising or stationing them. They may billet them on the people at pleasure. This unlimited authority is a most dangerous power. Its principles are despotic. If it be unbounded, it must lead to despotism. For the power of the people in a free government is supposed to be paramount to the existing power.

We shall be told that in England, the king, lords, and commons have this power. That armies can be raised by the prince alone, without the consent of the people. How does this apply here? Is this government to place us in the situation of the English? Should we suppose this government to resemble king, lords, and commons, we of this State should be like an English county. An English county cannot control the government. Virginia cannot control the government of Congress no more than the county of Kent can control that of England. Advert to the power thoroughly. One of our first complaints under the former government was the quartering of troops upon us. This was one of the principal reasons for dissolving the connection with Great Britain. Here we may have troops in time of peace. They may be billeted in any manner—to tyrannize, oppress, and crush us.

We are told, we are afraid to trust ourselves. That our own representatives, Congress, will not exercise their powers oppressively. That we will not enslave ourselves. That the militia cannot enslave themselves, etc. Who has enslaved France, Spain, Germany, Turkey, and other countries which groan under tyranny? They have been enslaved by the hands of their own people. If it will be so in America, it will be only as it has been everywhere else. I am still persuaded that the power of calling forth the militia to execute the laws of the Union, etc., is dangerous. We request the gentleman to show the cases where the militia would be wanting to execute the laws. Have we received a satisfactory answer? When we consider this

part, and compare it to other parts, which declare that Congress may declare war; and that the President shall command the regular troops, militia, and navy, we will find great danger. Under the order of Congress they shall suppress insurrections. Under the order of Congress they shall be called to execute the laws. It will result, of course, that this is to be a government of force. Look at the part which speaks of excises and you will recollect that those who are to collect excises and duties are to be aided by military force. They have power to call them out, and to provide for arming, organizing, and disciplining them. Consequently they are to make militia laws of this State. The honorable gentleman said that the militia should be called forth to quell riots. Have we not seen this business go on very well to this day without military force? It is a long-established principle of the common law of England, that civil force is sufficient to quell riots. To what length may it not be carried? A law may be made, that if twelve men assemble, if they do not disperse, they may be fired upon. I think it is so in England. Does not this part of the paper bear a strong aspect? The honorable gentleman from his knowledge, was called upon to show the instances, and he told us the militia may be called out to quell riots. They may make the militia travel, and act under a colonel, or perhaps under a constable. Who are to determine whether it be a riot or not? Those who are to execute the laws of the Union? If they have power to execute their laws in this manner, in what situation are we placed? Your men who go to Congress are not restrained by a bill of rights. They are not restrained from inflicting unusual and severe punishments: though the bill of rights of Virginia forbids it. What will be the consequence? They may inflict the most cruel and ignominious punishments on the militia, and they will tell you it is necessary for their discipline.

Give me leave to ask another thing. Suppose an exciseman will demand leave to enter your cellar or house, by virtue of his office; perhaps he may call on the militia to enable him to go. If Congress be informed of it, will they

give you redress? They will tell you, that he is executing the laws under the authority of the continent at large, which must be obeyed; and that the government cannot be carried on without exercising severity. If, without any reservation of rights, or control, you are contented to give up your rights, I am not. There is no principle to guide the legislature to restrain them from inflicting the utmost severity of punishment. Will gentlemen voluntarily give up their liberty? With respect to calling the militia to execute every execution indiscriminately, it is unprecedented. Have we ever seen it done in any free country? Was it ever so in the mother country? It never was so in any well-regulated country. It is a government of force, and of the genius of despotism expressly. It is not proved that this power is necessary; and if it be unnecessary, shall we give it up?

The debate was continued by Madison, Mason, Grayson, and Marshall, after whom Mr. Henry again spoke, on the same day.

Mr. Henry still retained his opinion, that the States had no right to call forth the militia to suppress insurrections, etc. But the right interpretation (and such as the nations of the earth had put upon the concession of power) was that when power was given, it was given exclusively. He appealed to the committee, if power was not confined in the hands of a *few* in almost all countries of the world. He referred to their candor, if the construction of conceded power was not an exclusive concession in nineteen-twentieth parts of the world. The nations which retained their liberty were comparatively few. America would add to the number of the oppressed nations if she depended on constructive rights and argumentative implication. That the powers given to Congress were exclusively given, was very obvious to him. The rights which the States had must be founded on the restrictions on Congress. He asked, if the doctrine which had been so often circulated, that rights not

given were retained, was true, why there were negative clauses to restrain Congress? He told gentlemen that these clauses were sufficient to shake all their implication. For, says he, if Congress had no power but what was given them, why restrict them by negative words? Is not the clear implication this—that if these restrictions were not inserted, they could perform what they prohibit? The worthy member had said that Congress ought to have power to protect all, and had given this system the highest encomium, but still insisted that the power over the militia was concurrent. To obviate the futility of this doctrine, Mr. Henry alleged that it was not reducible to practice. Examine it, says he—reduce it to practice. Suppose an insurrection in Virginia, and suppose there be danger apprehended of an insurrection in another State, from the exercise of the government; or suppose a national war, and there be discontents among the people of this State that produce or threaten an insurrection; suppose Congress in either case demands a number of militia, will they not be obliged to go? Where are your reserved rights when your militia go to a neighboring State? Which call is to be obeyed, the congressional call, or the call of the State legislature? The call of Congress must be obeyed. I need not remind this committee that the sweeping clause will cause their demands to be submitted to. This clause enables them "to make all laws which shall be necessary and proper to carry into execution all the powers vested by this constitution in the government of the United States, or in any department or officer thereof." Mr. Chairman, I will turn to another clause, which relates to the same subject, and tends to show the fallacy of their argument. The tenth section of the first article, to which reference was made by the worthy member, militates against himself. It says, that "no State shall engage in war, unless actually invaded." If you give this clause a fair construction, what is the true meaning of it? What does this relate to? Not domestic insurrections, but war. If the country be invaded, a State may go to war, but cannot suppress insurrections.

If there should happen an insurrection of slaves, the country cannot be said to be invaded. They cannot therefore suppress it without the interposition of Congress. The fourth section of the fourth article expressly directs that in case of domestic violence Congress shall protect the States on application of the legislature or executive; and the eighth section of the first article gives Congress power to call forth the militia to quell insurrections. There cannot therefore be a concurrent power. The State legislatures ought to have power to call forth the efforts of militia when necessary. Occasions for calling them out may be urgent, pressing, and instantaneous. The States cannot now call them, let an insurrection be ever so perilous, without an application to Congress. So long a delay may be fatal.

There are three clauses which prove beyond the possibility of doubt that Congress, and *Congress only*, can call forth the militia. The clause giving Congress power to call them out to suppress insurrections, etc.—that which restrains a State from engaging in war, except when actually invaded—and that which requires Congress to protect the States against domestic violence, render it impossible that a State can have power to intermeddle with them. Will not Congress find refuge for their actions in these clauses? With respect to the concurrent jurisdiction, it is a political monster of absurdity. We have passed that clause which gives Congress an unlimited authority over the national wealth; and here is an unbounded control over the national strength. Notwithstanding this clear and unequivocal relinquishment of the power of controlling the militia, you say the States retain it for the very purposes given to Congress. Is it fair to say that you gave the power of arming the militia, and at the same time say you reserve it? This great national government ought not to be left in this condition. If it be, it will terminate in the destruction of our liberties.

The debate continuing, between Nicholas, Mason, Grayson, Madison, and Lee, Mr. Henry again addressed the body on the same day.

Mr. Henry entertained strong suspicions that great dangers must result from the clause under consideration. They were not removed, but rather confirmed by the remarks of the honorable gentleman, in saying that it was extremely improbable that the members from New Hampshire and Georgia would go and legislate exclusively in the ten miles square. If it was so improbable, why ask the power? Why demand a power which was not to be exercised? Compare this power, says he, to the next clause, which gives them power to make all laws which shall be necessary to carry their laws into execution. By this they have a right to pass any law that may facilitate the execution of their acts. They have a right by this clause to make a law that such a district shall be set apart for any purpose they please; and that any man who shall act contrary to their commands, within certain ten miles square, or any place they may select, and strongholds, shall be hanged without benefit of clergy. If they think any law necessary for their personal safety, after perpetrating the most tyrannical and oppressive deeds, cannot they make it by this sweeping clause? If it be necessary to provide, not only for this, but for any department or officer of Congress, does not this clause enable them to make a law for the purpose? And will not these laws, made for those purposes, be paramount to the laws of the States? Will not this clause give them a right to keep a powerful army continually on foot, if they think it necessary to aid the execution of their laws? Is there any act, however atrocious, which they cannot do by virtue of this clause? Look at the use which has been made in all parts of the world of that human thing called power. Look at the predominant thrift of dominion which has invariably and uniformly prompted rulers to abuse their powers. Can you say, that you will be safe when you give such unlimited powers, without any real responsibility? Will you be safe when you trust men at Philadelphia with power to make any law that will enable them to carry their acts into execution? Will not the members of Congress have the same passions which other rulers have had?

They will not be superior to the frailties of human nature. However cautious you may be in the selection of your representatives, it will be dangerous to trust them with such unbounded powers. Shall we be told, when about to grant such illimitable authority, that it shall never be exercised? I conjure you once more to remember the admonition of that sage man who told you, that when you give power, you know not what you give. I know the absolute necessity of an energetic government. But is it consistent with any principle of prudence or good policy, to grant unlimited, unbounded authority, which is so totally unnecessary, that gentlemen say it will never be exercised? But gentlemen say that we must make experiments. A wonderful and unheard of experiment it will be, to give unlimited powers unnecessarily! I admit my inferiority in point of historical knowledge; but I believe no man can produce an instance of an unnecessary and unlimited power, given to a body independent of the legislature, within a particular district. Let any man in this convention show me an instance of such separate and different powers of legislation in the same country. Show me an instance, where a part of a community was independent of the whole. The people within that place, and the strongholds, may be excused from all the burdens imposed on the rest of the society, and may enjoy exclusive emoluments, to the great injury of the rest of the people. But gentlemen say that the power will not be abused. They ought to show that it is necessary. All their powers may be fully carried into execution, without this exclusive authority in the ten miles square. The sweeping clause will fully enable them to do what they please. What could the most extravagant and boundless imagination ask, but power to do everything? I have reason to suspect ambitious grasps at power. The experience of the world teaches me the jeopardy of giving enormous power. Strike this clause out of the form of the government, and how will it stand? Congress will still have power, by the sweeping clause, to make laws within that place, and the strongholds, independently of the local

authority of the State. I ask you, if this clause be struck out, whether the sweeping clause will not enable them to protect themselves from insult? If you grant them these powers you destroy every degree of responsibility. They will fully screen them from justice, and preclude the possibility of punishing them. No instance can be given of such a wanton grasp of power—as an exclusive legislation in all cases whatever.

The debate continuing, he again spoke on the same day, after Geo. Nicholas, Randolph, and Mason, as follows:

Mr. Henry.—Mr. Chairman: The necessity of a bill of rights appears to me to be greater in this government than ever it was in any government before. I observed already, that the sense of the European nations, and particularly Great Britain, is against the construction of rights being retained, which are not *expressly* relinquished. I repeat, that all nations have adopted this construction—that all rights not expressly and unequivocally reserved to the people, are impliedly and incidentally relinquished to rulers, as necessarily inseparable from the delegated powers. It is so in Great Britain: For every possible right which is not reserved to the people by some express provision or compact, is within the king's prerogative. It is so in that country, which is said to be in such full possession of freedom. It is so in Spain, Germany, and other parts of the world. Let us consider the sentiments which have been entertained by the people of America on this subject. At the Revolution it must be admitted, that it was their sense to put down those great rights which ought in all countries to be held inviolable and sacred. Virginia did so, we all remember. She made a compact to reserve, expressly, certain rights. When fortified with full, adequate, and abundant representation, was she satisfied with that representation? No. She most cautiously and guardedly reserved and secured those invaluable, inestimable rights and privileges which no people, inspired with the least glow of the

patriotic love of liberty, ever did, or ever can, abandon. She is called upon now to abandon them, and dissolve that compact which secured them to her. She is called upon to accede to another compact which most infallibly supersedes and annihilates her present one. Will she do it? This is the question. If you intend to reserve your unalienable rights, you must have the most express stipulation. For if implication be allowed, you are ousted of those rights. If the people do not think it necessary to reserve them, they will be supposed to be given up. How were the Congressional rights defined when the people of America united by a confederacy to defend their liberties and rights against the tyrannical attempts of Great Britain? The States were not then contented with implied reservation. No, Mr. Chairman. It was expressly declared in our confederation that every right was retained by the States, respectively, which was not given up to the government of the United States. But there is no such thing here. You, therefore, by a natural and unavoidable implication, give up your rights to the general government. Your own example furnishes an argument against it. If you give up these powers without a bill of rights, you will exhibit the most absurd thing to mankind that ever the world saw—a government that has abandoned all its powers—the powers of a direct taxation, the sword, and the purse. You have disposed of them to Congress without a bill of rights—without check, limitation, or control. And still you have checks and guards—still you keep barriers—pointed where? Pointed against your weakened, prostrated, enervated State government! You have a bill of rights to defend you against the State government, which is bereaved of all power; and yet you have none against Congress, though in full and exclusive possession of all power! You arm yourselves against the weak and defenceless, and expose yourselves naked to the armed and powerful. Is not this a conduct of unexampled absurdity? What barriers have you to oppose to this most strong energetic government? To that government you have nothing to oppose. All your

defence is given up. This is a real actual defect. It must strike the mind of every gentleman. When our government was first instituted in Virginia, we declared the common law of England to be in force. That system of law which has been admired, and has protected us and our ancestors, is excluded by this system. Added to this, we adopted a bill of rights. By this constitution, some of the best barriers of human rights are thrown away. Is there not an additional reason to have a bill of rights? By the ancient common law, the trial of all facts is decided by a jury of impartial men from the immediate vicinage. This paper speaks of different juries from the common law in criminal cases; and in civil controversies excludes trial by jury altogether. There is, therefore, more occasion for the supplementary check of a bill of rights now, than then. Congress from their general powers may fully go into the business of human legislation. They may legislate in criminal cases from treason to the lowest offence, petty larceny. They may define crimes and prescribe punishments. In the definition of crimes, I trust they will be directed by what wise representatives ought to be governed by: But when we come to punishments, no latitude ought to be left, nor dependence put on the virtue of representatives. What says our bill of rights? "That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Are you not therefore now calling on those gentlemen who are to compose Congress, to prescribe trials and define punishments without this control? Will they find sentiments there similar to this bill of rights? You let them loose—you do more—you depart from the genius of your country. That paper tells you, that the trial of crimes shall be by jury, and held in the State where the crime shall have been committed. Under this extensive provision, they may proceed in a manner extremely dangerous to liberty—a person accused may be carried from one extremity of the State to another, and be tried not by an impartial jury of the vicinage, acquainted with his character, and the circumstances of the fact; but by a jury un-

acquainted with both, and who may be biassed against him. —Is not this sufficient to alarm men?—How different is this from the immemorial practice of your British ancestors, and your own? I need not tell you, that by the common law a number of hundredors were required to be on a jury, and that afterward it was sufficient if the jurors came from the same county. With less than this the people of England have never been satisfied. That paper ought to have declared the common law in force.

In this business of legislation, your members of Congress will lose the restriction of not imposing excessive fines, demanding excessive bail, and inflicting cruel and unusual punishments.—These are prohibited by your declaration of rights. What has distinguished our ancestors?—That they would not admit of tortures, or cruel and barbarous punishments. But Congress may introduce the practice of the civil law, in preference to that of the common law.—They may introduce the practice of France, Spain, and Germany —of torturing to extort a confession of the crime. They will say that they might as well draw examples from those countries as from Great Britain; and they will tell you, that there is such a necessity of strengthening the arm of government, that they must have a criminal equity, and extort confession by torture, in order to punish with still more relentless severity. We are then lost and undone.—— And can any man think it troublesome, when we can by a small interference prevent our rights from being lost?—If you will, like the Virginian Government, give them knowledge of the extent of the rights retained by the people, and the powers themselves, they will, if they be honest men, thank you for it.—Will not they wish to go on sure grounds?—But if you leave them otherwise, they will not know how to proceed; and being in a state of uncertainty, they will assume rather than give up powers by implication. A bill of rights may be summed up in a few words. What do they tell us?—That our rights are reserved.—Why not say so? Is it because it will consume too much paper? Gentlemen's reasonings against a bill of rights, do not

satisfy me. Without saying which has the right side, it remains doubtful. A bill of rights is a favorite thing with the Virginians, and the people of the other States likewise. It may be their prejudice, but the government ought to suit their genius, otherwise its operation will be unhappy. A bill of rights, even if its necessity be doubtful, will exclude the possibility of dispute, and with great submission, I think the best way is to have no dispute. In the present Constitution, they are restrained from issuing general warrants to search suspected places, or seize persons not named, without evidence of the commission of a fact, etc. There was certainly some celestial influence governing those who deliberated on that constitution :—For they have with the most cautious and enlightened circumspection, guarded those indefeasible rights, which ought ever to be held sacred. The officers of Congress may come upon you, fortified with all the terrors of paramount federal authority.—Excisemen may come in multitudes:—For the limitation of their numbers no man knows.—They may, unless the general government be restrained by a bill of rights, or some similar restriction, go into your cellars and rooms, and search, ransack, and measure every thing you eat, drink, and wear. They ought to be restrained within proper bounds. With respect to the freedom of the press, I need say nothing; for it is hoped that the gentlemen who shall compose Congress, will take care as little as possible to infringe the rights of human nature.—This will result from their integrity. They should from prudence abstain from violating the rights of their constituents. They are not however expressly restrained.—But whether they will intermeddle with that palladium of our liberties or not, I leave you to determine.

The first clause of the ninth section was taken up, and discussed by Mason, Madison, and Tyler. Upon this Mr. Henry spoke as follows, on June 17:

Mr. Henry insisted, that the insertion of these restrictions on Congress was a plain demonstration that Congress

could exercise powers by implication. The gentleman had admitted that Congress could have interdicted the African trade, were it not for this restriction. If so, the power not having been expressly delegated, must be obtained by implication. He demanded, where then was their doctrine of reserved rights? He wished for negative clauses to prevent their assuming any powers but those expressly given. He asked, why it was omitted to secure us that property in slaves, which we held now? He feared its omission was done with design. They might lay such heavy taxes on slaves, as would amount to emancipation; and then the Southern States would be the only sufferers. His opinion was confirmed by the mode of levying money. Congress, he observed, had power to lay and collect taxes, imposts, and excises. Imposts (or duties) and excises were to be uniform. But this uniformity did not extend to taxes. This might compel the Southern States to liberate their negroes. He wished this property therefore to be guarded. He considered the clause which had been adduced by the gentleman as a security for this property, as no security at all. It was no more than this—That a run-away negro could be taken up in Maryland or New York. This could not prevent Congress from interfering with that property by laying a grievous and enormous tax on it, so as to compel owners to emancipate their slaves rather than pay the tax. He apprehended it would be productive of much stock-jobbing, and that they would play into one another's hands in such a manner as that this property would be lost to this country.

When the seventh clause was read, the same day, Mr. Henry said:

Mr. Henry.—Mr. Chairman—We have now come to the ninth section, and I consider myself at liberty to take a short view of the whole. I wish to do it very briefly. Give me leave to remark, that there is a bill of rights in that government. There are express restrictions which are

in the shape of a bill of rights: But they bear the name of the ninth section. The design of the negative expressions in this section is to prescribe limits, beyond which the powers of Congress shall not go. These are the sole bounds intended by the American Government. Whereabouts do we stand with respect to a bill of rights? Examine it, and compare it to the idea manifested by the Virginia bill of rights, or that of the other States. The restraints in this congressional bill of rights are so feeble and few, that it would have been infinitely better to have said nothing about it. The fair implication is, that they can do every thing they are not forbidden to do. What will be the result if Congress, in the course of their legislation, should do a thing not restrained by this ninth section? It will fall as an incidental power to Congress, not being prohibited expressly in the Constitution. The first prohibition is, that the privilege of the writ of *habeas corpus* shall not be suspended, but when in cases of rebellion, or invasion, the public safety may require it. It results clearly, that if it had not said so, they could suspend it in all cases whatsoever. It reverses the position of the friends of this Constitution, that every thing is retained which is not given up. For instead of this, every thing is given up, which is not expressly reserved.—It does not speak affirmatively, and say that it shall not be suspended but in certain cases; going on a supposition that every thing which is not negatived, shall remain with Congress. If the power remains with the people, how can Congress supply the want of an affirmative grant? They cannot do it but by implication, which destroys their doctrine. The Virginia bill of rights interdicts the relinquishment of the sword and purse without control. That bill of rights secures the great and principal rights of mankind. But this bill of rights extends to but very few cases, and is destructive of the doctrine advanced by the friends of that paper.

If *ex post facto* laws had not been interdicted, they might also have been extended by implication at pleasure. Let us consider whether this restriction be founded in wis-

dom or good policy. If no *ex post facto* laws be made, what is to become of the old continental paper dollars? Will not this country be forced to pay it in gold and silver, shilling for shilling? Gentlemen may think that this does not deserve an answer: But it is an all-important question. Because the property of this country is not commensurate to the enormous demand. Our own government triumphs with infinite superiority when put in contrast with that paper.—The want of a bill of rights will render all their laws, however oppressive, constitutional.

If the government of Virginia passes a law in contradiction to our bill of rights, it is nugatory. By that paper the national wealth is to be disposed of under the veil of secrecy: For the publication from time to time will amount to nothing; and they may conceal what they may think requires secrecy. How different is it in your own government? Have not the people seen the journals of our legislature every day during every session? Is not the lobby full of people every day? Yet gentlemen say, that the publication from time to time is a security unknown in our State government! Such a regulation would be nugatory and vain, or at least needless, as the people see the journals of our legislature, and hear their debates every day. If this be not more secure than what is in that paper, I will give up that I have totally misconceived the principles of the government. You are told that your rights are secured in this new government. They are guarded in no other part but this ninth section. The few restrictions in that section are your only safeguards. They may control your actions, and your very words, without being repugnant to that paper. The existence of your dearest privileges will depend on the consent of Congress: For these are not within the restrictions of the ninth section.

If gentlemen think that securing the slave trade is a capital object; that the privilege of the *habeas corpus* is sufficiently secured; that the exclusion of *ex post facto* laws will produce no inconvenience; that the publication from time to time will secure their property; in one word,

that this section alone will sufficiently secure their liberties, I have spoken in vain.—Every word of mine, and of my worthy coadjutor, is lost. I trust that gentlemen, on this occasion, will see the great objects of religion, liberty of the press, trial by jury, interdiction of cruel punishments, and every other sacred right secured, before they agree to that paper. These most important human rights are not protected by that section, which is the only safeguard in the Constitution.—My mind will not be quieted till I see something substantial come forth in the shape of a bill of rights.

After a speech from Randolph on the same day,

Mr. Henry lamented, that he could not see with that perspicuity which other gentlemen were blessed with. But the ninth section struck his mind still in an unfavorable light. He hoped, as the gentleman had been indulged in speaking of the Constitution in general, that he would be allowed to answer him before they adopted or rejected it.

[*The first clause of the tenth section, read.*]

Mr. Henry apologized for repeatedly troubling the committee with his fears. But he apprehended the most serious consequences from these restrictions on the States. As they could not emit bills of credit, make any thing but gold and silver coin a tender in payment of debts, pass *ex post facto* laws, or impair the obligation of contracts; though these restrictions were founded on good principles, yet he feared they would have this effect—That this State would be obliged to pay for her share of the continental money, shilling for shilling. He asked gentlemen who had been in high authority, whether there were not some State speculations on this matter? He had been informed that some States had acquired vast quantities of that money, which they would be able to recover in its nominal value of the other States.

Mason and Madison followed immediately, and Mr. Henry replied to the latter.

MR. HENRY.—MR. CHAIRMAN—I am convinced, and I see clearly that this paper money must be discharged, shilling for shilling. The honorable gentleman must see better than I can, from his particular situation and judgment, but this has certainly escaped his attention. The question arising on the clause before you, is, whether an act of the legislature of this State, for scaling money, will be of sufficient validity to exonerate you from paying the nominal value, when such a law called *ex post facto*, and impairing the obligation of contracts, are expressly interdicted by it? —Your hands are tied up by this clause, and you must pay shilling for shilling; and, in the last section, there is a clause that prohibits the general legislature from passing any *ex post facto* law—so that the hands of Congress are tied up, as well as the hands of the State legislatures.

How will this thing operate, when ten or twenty millions are demanded as the quota of this State? You will cry out that speculators have got it at one for a thousand, and that they ought to be paid so. Will you then have recourse for relief to legislative interference? They cannot relieve you because of that clause. The expression includes public contracts, as well as private contracts between individuals. Notwithstanding the sagacity of the gentleman, he cannot prove its exclusive relation to private contracts. Here is an enormous demand, which your children to the tenth generation will not be able to pay. Should we ask, if there be any obligation in justice to pay more than the depreciated value, we shall be told that contracts must not be impaired. Justice may make a demand of millions, but the people cannot pay them.

I remember the clamors and public uneasiness concerning the payments of British debts, put into the treasury. Was not the alarm great and general lest these payments should be laid on the people at large? Did not the legislature interfere and pass a law to prevent it? Was it not reechoed everywhere, that the people of this country ought not to pay the debts of their great ones? And though some urged their patriotism and merits in putting money on the

faith of the public into the treasury, yet the outcry was so great that it required legislative interference. Should those enormous demands be made upon us, would not legislative interference be more necessary than it was in that case? Let us not run the risk of being charged with carelessness, and neglect of the interest of our constituents and posterity. I would ask the number of millions? It is without exaggeration, immense. I ask gentlemen if they can pay one hundred millions, or two hundred millions? Where have they the means of paying it? Still they would make us proceed to tie the hands of the States and of Congress.

A gentleman has said with great force, that there is a contest for empire: There is also a contest for money. The States of the north wish to secure a superiority of interest and influence. In one part their deliberation is marked with wisdom, and in the other with the most liberal generosity. When we have paid all the gold and silver we could to replenish the congressional coffers, here they ask for confidence. Their hands will be tied up. They cannot merit confidence. Here is a transfer from the old to the new government, without the means of relieving the greatest distresses which can befall the people. This money might be scaled, sir, but the exclusion of *ex post facto* laws, and laws impairing the obligation of contracts, steps in and prevents it. These were admitted by the old confederation.—There is a contest for money as well as empire, as I have said before. The Eastern States have speculated chiefly in this money. As there can be no congressional scale, their speculation will be extremely profitable. Not satisfied with a majority in the legislative councils, they must have all our property. I wish the Southern genius of America had been more watchful.

This State may be sued in the federal court, for those enormous demands; and judgment may be obtained, unless *ex post facto* laws be passed. To benefit whom are we to run this risk? I have heard there were vast quantities of that money packed up in barrels—those formidable millions are deposited in the Northern States, and whether in public

or private hands, makes no odds. They have acquired it for the most inconsiderable trifle. If you accord to this part, you are bound hand and foot. Judgment must be rendered against you for the whole. Throw all pride out of the question, this is a most nefarious business. Your property will be taken from you to satisfy this most infamous speculation. It will destroy your public peace, and establish the ruin of your citizens. Only general resistance will remedy it. You will shut the door against every ray of hope, if you allow the holders of this money, by this clause, to recover their formidable demands. I hope gentlemen will see the absolute necessity of amending it, by enabling the State legislatures to relieve their people from such nefarious oppressions.

The 2d clause of the 2d section of Article II. being under consideration on June 18,

Mr. Henry begged gentlemen to consider the condition this country would be in, if two-thirds of a quorum should be empowered to make a treaty:—they might relinquish and alienate territorial rights, and our most valuable commercial advantages.—In short, if any thing should be left us, it would be because the president and senators were pleased to admit it. The power of making treaties by this constitution, ill-guarded as it is, extended farther than it did in any country in the world. Treaties were to have more force here than in any part of Christendom. For he defied any gentleman to show anything so extensive in any strong energetic government in Europe. Treaties rest, says he, on the laws and usages of nations.—To say that they are municipal, is to me a doctrine totally novel.—To make them paramount to the constitutions and laws of the States, is unprecedented. I would give them the same force and obligation they have in Great Britain, or any other country in Europe. Gentlemen are going on in a fatal career:—but I hope they will stop before they concede this power unguarded aud unaltered.

Mr. Madison replied, denying that the right to make treaties involved the right to dismember the Union.

Mr. Henry asked, how the power of the king of Great Britain, with respect to dismembering the empire, would stand, if the constitution had declared that treaties would be effectual notwithstanding anything in the constitution or laws of the country? He would confess his error, if the gentleman could prove that the power of the king of Great Britain and that of Congress, as to making treaties, were similar.

The debate continuing, Mr. Henry again spoke on the same day.

Mr. Henry.—Mr. Chairman: Gentlemen say, that the king of Great Britain has the same right of making treaties that our president has here. I will have no objection to this, if you make your president a king. But I will adduce a difference between an American treaty and an English treaty. Recollect the case of the Russian ambassador: He was arrested contrary to the rights of his master. The Russian emperor demanded the man at whose instance his ambassador was arrested, to be given up to him, to be put to instant death. What did the queen say? She wrote him, that that was something paramount to what she could do:—That it exceeded her power to comply with his demand, because it was contrary to the constitution and laws. But how is it here? Treaties are binding, notwithstanding our laws and constitutions. Let us illustrate this fatal instance:—Suppose the case of the Russian ambassador to happen here. The president can settle it by a treaty, and have the man arrested, and punished according to the Russian manner. The constitutions of these States may be most flagrantly violated without remedy. And still will gentlemen compare the two cases? So great was the anxiety of Queen Anne, that she wrote a letter to the Russian prince with her own hand, apologizing for her inability to

comply with his demands. The parliament was consulted, and a law made to prevent such arrests for the future. I say again, that if you consent to this power, you depend on the justice and equity of those in power. We may be told that we shall find ample refuge in the law of nations. When you yourselves have your necks so low that the president may dispose of your rights as he pleases, the law of nations cannot be applied to relieve you. Sure I am, if treaties are made infringing our liberties, it will be too late to say that our constitutional rights are violated. We are in contact with two powers: Great Britain and Spain. They may claim our most valuable territories, and treaties may be made to yield them. It is easy on our part to define our unalienable rights, and expressly secure them, so as to prevent future claims and disputes. Suppose you be arraigned as offenders and violators of a treaty made by this government. Will you have that fair trial which offenders are entitled to in your own government? Will you plead a right to the trial by jury? You will have no right to appeal to your own constitution. You must appeal to your continental constitution. A treaty may be made giving away your rights and inflicting unusual punishments on its violators. It is contended, that if the king of Great Britain makes a treaty within the line of his prerogative, it is the law of the land. I agree that this is proper, and if I could see the same checks in that paper which I see in the British Government, I would consent to it. Can the English monarch make a treaty which shall subvert the common law of England, and the constitution? Dare he make a treaty that shall violate Magna Charta, or the bill of rights? Dare he do any thing derogatory to the honor, or subversive of the great privileges of his people? No, sir. If he did it would be nugatory, and the attempt would endanger his existence.

The king of France calls his parliament to give him power to make what regulations with regard to treaties they may think conducive to the interest of the nation. In the time of Henry the Vth, a treaty with Sigismund, king of Poland,

was ratified by the parliament. You have not even as much security as that. You prostrate your rights to the president and senate. This power is therefore dangerous and destructive.

During the continuance of the debate that day Mr. Henry spoke again:

Mr. Henry.—Mr. Chairman: This great national concern is handled in a manner quite new to me. When arguments are used, which are calculated in their nature to mislead men—when I reflect on the subject, I dread that our rights are about to be given away, though I may possibly be mistaken. I said yesterday, and not without thinking much on the subject, that my mind would be at ease were we on the same grounds in this respect, as the English are. Gentlemen think that Great Britain was produced by me in this instance, unfortunately for myself, because the learned Judge Blackstone says that treaties are binding on the nation, and the king can make treaties!—That learned judge says, there is one thing which operates as a guard.—That thing we have not in this paper—it is responsibility. He tells you that the minister who will sacrifice the interest of the nation is subject to parliamentary impeachment. This has been ever found to be effectual. But I beg gentlemen to consider the American impeachment.—What is it?—It is a mere sham—a mere farce. When they do any thing derogatory to the honor or interest of their country, they are to try themselves! Is it so in England?—The history of that country shows that they have blocks and gibbets. The violators of the public interest have been tried, justly and impartially, and perished by those necessary instruments of justice. Can there be any security where offenders mutually try one another? I hope gentlemen will consider the necessity of amendment in this clause.

We are told that the State rights are preserved.—Suppose the State right to territory be preserved, I ask and demand how do the rights of persons stand, when they have power

to make any treaty, and that treaty is paramount to constitutions, laws, and every thing?—When a person shall be treated in the most horrid manner, and most cruelly and inhumanly tortured, will the security of territorial rights grant him redress? Suppose an unusual punishment in consequence of an arrest similar to that of the Russian ambassador—can it be said to be contrary to the State rights? I might go on in this discrimination, but it is too obvious that the security of territory is no security of individual safety. I ask, how are the State rights, individual rights, and national rights secured?—Not as in England—for the authority quoted from Blackstone would, if stated right, prove in a thousand instances that if the king of England attempted to take away the rights of individuals, the law would stand against him.—The acts of parliament would stand in his way.—The bill and declaration of rights would be against him. The common law is fortified by the bill of rights. The rights of the people cannot be destroyed even by the paramount operation of the law of nations, as the case of the Russian ambassador evinces. If you look for a similar security in the paper on your table, you look in vain. That paper is defective without such a declaration of rights. —It is unbounded without such restrictions. If the constitution be paramount, how are the constitutions and laws of the States to stand? Their operation will be totally controlled by it:—For, it is paramount to every thing, unless you can show some guard against it. The rights of persons are exposed as it stands now.

The calculation of the honorable gentleman (Mr. Corbin) was wrong. I am sure he spoke from the best of his recollection, when he referred to our treaty of peace with Great Britain, and said that it was binding on the nation, though disapproved of by parliament. Did not an act of parliament pass, acknowledging the independence of America?—If the king of England wished to dismember the empire, would he dare to attempt it without the advice of parliament? The most hardy minister would not dare to advise him to attempt it without a previous consultation of the par-

liament. No cession of territory is binding on the nation unless it be fortified by an act of parliament. Will it be so in your American Government?—No—they will tell you that they are omnipotent as to this point.

We are so used to speak of enormity of powers, that we are familiarized with it.—To me this power appears still destructive; for they can make any treaty. If Congress forbears to exercise it, you may thank them:—But they may exercise it if they please, and as they please. They have a right, from the paramount power given them, to do so.—Will the gentleman say, that this power is paramount to the State laws only?—is it not paramount to the Constitution, and every thing? Can any thing be paramount to what is paramount?—Will not the laws of Congress be binding on Congress, as well as on any particular State?—Will they not be bound by their own acts?—— The worthy gentleman must see the impropriety of his assertion. To render this safe, I conceive we must adopt my honorable friend's amendment. The component parts of this supreme power are the president, senators, and house of representatives. The latter is the most material part.— They ought to interpose in the formation of treaties. When their consent is necessary, there will be a certainty of attending to the public interests.

Mr. Henry then contended that there was real responsibility in the British Government, and sufficient security arising from the common law, declaration of rights, etc.; whereas in this government there was no barrier to stop their mad career. He hoped to obtain the amendments which his honorable friend had proposed.

The first and second sections of the third article being under consideration, Mr. Henry, following Mr. Madison, said, June 20:

Mr. Henry.—Mr. Chairman: I have already expressed painful sensations at the surrender of our great rights, and I am again driven to the mournful recollection. The purse

is gone—the sword is gone—and here is the only thing of any importance which is to remain with us. As I think this is a more fatal defect than any we have yet considered, forgive me if I attempt to refute the observations made by the honorable member in the chair, and last up. It appears to me, that the powers in the section before you, are either impracticable, or if reducible to practice, dangerous in the extreme.

The honorable gentleman began in a manner which surprised me. It was observed that our State judges might be contented to be federal judges and State judges also.—If we are to be deprived of that class of men, and if they are to combine against us with the general government, we are gone. I consider the Virginian judiciary as one of the best barriers against strides of power—against that power which we are told by the honorable gentleman, has threatened the destruction of liberty. Pardon me for expressing my extreme regret, that it is in their power to take away that barrier. Gentlemen will not say, that any danger can be expected from the State legislatures. So small are the barriers against the encroachments and usurpations of Congress, that when I see this last barrier, the independency of the judges, impaired, I am persuaded I see the prostration of all our rights. In what a situation will your judges be when they are sworn to preserve the Constitution of the State, and of the general government? If there be a concurrent dispute between them, which will prevail? They cannot serve two masters struggling for the same object. The laws of Congress being paramount to those of the States, and to their constitutions also, whenever they come in competition the judges must decide in favor of the former. This, instead of relieving or aiding me, deprives me of my only comfort—the independency of the judges.—The judiciary are the sole protection against a tyrannical execution of laws. But if by this system we lose our judiciary, and they cannot help us, we must sit down quietly, and be oppressed.

The appellate jurisdiction as to law and fact, notwith-

standing the ingenuity of gentlemen, still to me carries those terrors which my honorable friend described. This does not include law in the common acceptation of it, but goes to equity and admiralty, leaving what we commonly understand by common law, out altogether. We are told of technical terms, and that we must put a liberal construction on it. We must judge by the common understanding of common men. Do the expressions, "fact and law," relate to cases of admiralty and chancery jurisdiction only?—No, sir, the least attention will convince us that they extend to common law cases. Three cases are contra-distinguished from the rest.—"In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact." Now sir, what are we to understand by these words? What are the cases before mentioned? Cases of common law, as well as of equity and admiralty. I confess I was surprised to hear such an explanation from an understanding more penetrating and acute than mine. We are told, that the cognizance of law and fact, is satisfied by cases of admiralty and chancery.—The words are expressly against it. Nothing can be more clear and incontestible. This will in its operation destroy the trial by jury. The verdict of an impartial jury will be reversed by judges unacquainted with the circumstances.—But we are told, that Congress are to make regulations to remedy this. I may be told that I am bold, but I think myself, and I hope to be able to prove to others, that Congress cannot, by any act of theirs, alter this jurisdiction as established. It appears to me, that no law of Congress can alter or arrange it. It is subject to be regulated, but is it subject to be abolished? If Congress alter this part, they will repeal the Constitution. Does it give them power to repeal itself? What is meant by such words, in common parlance? If you are obliged to do certain business, you are to do it under such modifications as were originally designed. Can

gentlemen support their argument by logical or regular conclusions? When Congress, by virtue of this sweeping clause, will organize these courts, they cannot depart from the Constitution; and their laws in opposition to the Constitution would be void. If Congress, under the specious pretence of pursuing this clause, altered it and prohibited appeals as to fact, the federal judges, if they spoke the sentiments of independent men, would declare their prohibition nugatory and void. In every point of view it seems to me, that it will continue in full force as it is now, notwithstanding any regulations they may attempt to make. What then, Mr. Chairman? We are told, that if this does not satisfy every mind, they will yield. It is not satisfactory to my mind, whatever it may be to others. The honorable gentleman has told us, that our representatives will mend every defect. I do not know how often we have recurred to that source, but I can find no consolation in it. Who are they? Ourselves. What is their duty?—To alter the spirit of the Constitution—to new model it?—Is that their duty, or ours?—It is our duty to rest our rights on a certain foundation, and not to trust to future contingencies.

We are told of certain difficulties. I acknowledge it is difficult to form a constitution. But I have seen difficulties conquered, which were as unconquerable as this. We are told, that trial by jury is difficult to be had in certain cases. Do we not know the meaning of the term? We are also told, it is a technical term. I see one thing in this Constitution—I made the observation before, and I am still of the same opinion—that everything with respect to privileges is so involved in darkness, it makes me suspicious—not of those gentlemen who formed it, but of its operation in its present form. Could not precise terms have been used? You find by the observations of the gentleman last up, that when there is a plenitude of power, there is no difficulty: But when you come to a plain thing, understood by all America, there are contradictions, ambiguities, difficulties, and what not. Trial by jury is attended, it

seems, with insuperable difficulties, and therefore omitted altogether in civil cases. But an idea is held out, that it is secured in criminal cases. I had rather it had been left out altogether, than have it so vaguely and equivocally provided for. Poor people do not understand technical terms. Their rights ought to be secured in language of which they know the meaning. As they do not know the meaning of such terms, they may be injured with impunity. If they dare oppose the hands of tyrannical power, you will see what has been practised elsewhere. They may be tried by the most partial jurors—by their most implacable enemies, and be sentenced and put to death with all the forms of a fair trial. I would rather be left to the judges. An abandoned juror would not dread the loss of character like a judge. From these, and a thousand other considerations, I would rather the trial by jury were struck out altogether. There is no right of challenging partial jurors. There is no common law of America (as has been said) nor Constitution, but that on your table. If there be neither common law, nor Constitution, there can be no right to challenge partial jurors. Yet this right is as valuable as the trial by jury itself.

My honorable friend's remarks were right, with respect to incarcerating a State. It would ease my mind, if the honorable gentleman would tell me the manner in which money should be paid, if in a suit between a State and individuals, the State were cast. The honorable gentleman perhaps does not mean to use coercion, but some gentle caution. I shall give my voice for the federal cognizance only where it will be for the public liberty and safety. Its jurisdiction in disputes between citizens of different States, will be productive of the most grievous inconveniences. The citizens of bordering States have frequent intercourse with one another. From the proximity of the States to each other, a multiplicity of these suits will be instituted. I beg gentlemen to inform me of this—in what courts are they to go, and by what law are they to be tried? Is it by

a law of Pennsylvania or Virginia? Those judges must be acquainted with all the laws of the different States. I see arising out of that paper, a tribunal, that is to be recurred to in all cases, when the destruction of the State judiciaries shall happen; and from the extensive jurisdiction of these paramount courts, the State courts must soon be annihilated.

It may be remarked, that here is presented to us, that which is execrated in some parts of the States. I mean a retrospective law. This, with respect to property, is as odious, as an *ex post facto* law is with respect to persons. I look upon them as one and the same thing. The jurisdiction of controversies between citizens, and foreign subjects and citizens, will operate retrospectively. Everything with respect to the treaty with Great Britain and other nations will be involved by it. Every man who owes anything to a subject of Great Britain, or any other nation, is subject to a tribunal that he knew not when he made the contract. Apply this to our citizens. If ever a suit be instituted by a British creditor for a sum which the defendant does not in fact owe, he had better pay it than appeal to the federal Supreme Court. Will gentlemen venture to ruin their own citizens? Foreigners may ruin every man in this State by unjust and vexatious suits and appeals. I need only touch it, to remind every gentleman of the danger.

No objection is made to their cognizance of disputes between citizens of the same State, claiming lands under grants of different States.

As to controversies between a State and the citizens of another State, his construction of it is to me perfectly incomprehensible. He says it will seldom happen that a State has such demands on individuals. There is nothing to warrant such an assertion. But, he says, that the State may be plaintiff only. If gentlemen pervert the most clear expressions, and the usual meaning of the language of the people, there is an end of all argument. What says the paper? That it shall have cognizance of controversies be-

tween a State, and citizens of another State, without discriminating between plaintiff or defendant. What says the honorable gentleman? The contrary—that the State can only be plaintiff. When the State is debtor, there is no reciprocity. It seems to me that gentlemen may put what construction they please on it? What! Is justice to be done to one party, and not to the other! If gentlemen take this liberty now, what will they not do when our rights and liberties are in their power? He said it was necessary to provide a tribunal when the case happened, though it would happen but seldom. The power is necessary, because New York could not before the war collect money from Connecticut! The State judiciaries are so degraded that they cannot be trusted. This is a dangerous power, which is thus instituted. For what? For things which will seldom happen; and yet, because there is a possibility that the strong energetic government may want it, it shall be produced and thrown in the general scale of power. I confess I think it dangerous. Is it not the first time, among civilized mankind, that there was a tribunal to try disputes between the aggregate society, and foreign nations? Is there any precedent for a tribunal to try disputes between foreign nations and the States of America? The honorable gentleman said that the consent of the parties was necessary. I say that a previous consent might leave it to arbitration. It is but a kind of arbitration at best.

To hear gentlemen of such penetration, make use of such arguments, to persuade us to part with the trial by jury, is very astonishing. We are told, that we are to part with that trial by jury which our ancestors secured their lives and property with, and we are to build castles in the air, and substitute visionary modes of decision to that noble palladium. I hope we shall never be induced by such arguments, to part with that excellent mode of trial. No appeal can now be made as to fact in common lawsuits. The unanimous verdict of twelve impartial men cannot be reversed. I shall take the liberty of reading to the com-

mittee the sentiments of the learned Judge Blackstone, so often quoted, on this subject.

Here Mr. Henry read the eulogium of that writer, on this trial.[1]

The opinion of this learned writer is more forcible and cogent than anything I could say. Notwithstanding the transcendent excellency of this trial, its essentiality to the preservation of liberty, and the extreme danger of substituting any other mode, yet we are now about to alienate it. But on this occasion, as on all others, we are admonished to rely on the wisdom and virtue of our rulers. We are told that the members from Georgia, and New Hampshire, etc., will not dare to infringe this privilege. That, as it would excite the indignation of the people, they would not attempt it. That is, the enormity of the offence is urged as a security against its commission. It is so abominable, that Congress will not exercise it. Shall we listen to arguments like these, when trial by jury is about to be relinquished? I beseech you to consider before you decide. I ask you, what is the value of that privilege? When Congress, in all the plenitude of their arrogance, magnificence, and power, can take it from you, will you be satisfied? Are we to go so far as to concede everything to the virtue of Congress? Throw yourselves at once on their mercy. Be no longer free, that their virtue may predominate. If this will satisfy republican minds, there is an end of every thing. I disdain to hold anything of any man. We ought to cherish that disdain. America viewed with indignation the idea of holding her rights of England. The Parliament gave you the most solemn assurances, that they would not exercise this power. Were you satisfied with their promises? No. Did you trust any man on earth? No—you answered, that you disdained to hold your innate indefeasible rights of anyone. Now you are called upon to give an exorbitant and most alarming power. The genius of my

[1] Blackstone's Com., iii., 319.

countrymen is the same now, that it was then. They have the same feelings. They are equally martial and bold. Will not their answer therefore be the same? I hope that gentlemen will, on a fair investigation, be candid, and not on every occasion recur to the virtue of our representatives. When deliberating on the relinquishment of the sword and purse, we have a right to some other reason than the possible virtue of our rulers. We are informed, that the strength and energy of the government call for the surrender of this right. Are we to make our country strong by giving up our privileges? I tell you, that if you judge from reason, or the experience of other nations, you will find that your country will be great and respectable, according as you will preserve this great privilege. It is prostrated by that paper. Juries from the vicinage being not secured, this right is in reality sacrificed. All is gone—and why? Because a rebellion may arise. Resistance will come from certain counties, and juries will come from the same counties. I trust the honorable gentleman, on a better recollection, will be sorry for this observation. Why do we love this trial by jury? Because it prevents the hand of oppression from cutting you off. They may call anything rebellion, and deprive you of a fair trial by an impartial jury of your neighbors. Has not our mother country magnanimously preserved this noble privilege upward of a thousand years? Did she relinquish a jury of the vicinage, because there was a possibility of resistance to oppression? She has been magnanimous enough to resist every attempt to take away this privilege. She has had magnanimity enough to rebel when her rights were infringed. That country had juries of *hundredors* for many generations. And shall Americans give up that which nothing could induce the English people to relinquish? The idea is abhorrent to my mind. There was a time when we would have spurned at it. This gives me comfort, that as long as I have existence my neighbors will protect me. Old as I am, it is probable I may yet have the appellation of rebel. I trust that I shall see congressional

oppressions crushed in embryo. As this government stands, I despise and abhor it. Gentlemen demand it, though it takes away the trial by jury in civil cases, and does worse than take it away in criminal cases. It is gone unless you preserve it now. I beg pardon for speaking so long. Many more observations will present themselves to the minds of the gentlemen when they analyze this part. We find enough from what has been said to come to this conclusion, that it was not intended to have jury trials at all. Because, difficult as it was, the name was known, and it might have been inserted. Seeing that appeals are given in matters of fact to the Supreme Court, we are led to believe, that you must carry your witnesses an immense distance to the seat of government, or decide appeals according to the Roman law. I shall add no more, but that I hope, that gentlemen will recollect what they are about to do, and consider that they are going to give up this last and best privilege.

Madison and Marshall replied, on June 23d. [The 1st and 2d sections of the 3d article, still under consideration.]

Mr. Nicholas informed the committee that he had attempted, on a former occasion, to deliver his sentiments on the subject of the Constitution, he therefore did not mean to trouble the committee now; but he hoped that gentlemen were satisfied with the arguments that had been urged by those who were last up, and that the clerk would proceed to read the next clause.

Mr. Henry replied, that he did not consider the objections answered in such a manner as gave satisfaction. He hoped gentlemen would consider and remember, that if they were not heard now, they may never be heard again on the subject—it was an important part of the proposed plan of government, which ought, if possible, to be fairly understood—he hoped therefore that gentlemen would not be impatient. He proceeded to state the cases which might arise under the proposed plan of government, and the probable interference of the federal judiciary with that of the

State judiciaries—The dangers and difficulties which would arise to the citizens from the operation of a federal revenue law—which would extend to the lands, tenements, and other property coming under the denomination of direct taxes; and when intrusted to a federal collector, might be attended with abuses of a dangerous and alarming tendency —The property of the citizens seized and sold for one-tenth part of its value—They ousted from their house and home, and would have no other recourse for redress but to the federal government, which might perhaps be 500 miles from the place of sale. He observed, this may be done, Mr. Chairman, for we have instances to prove my assertion, even in some parts of our State, where persons have been turned out of house and home by our collectors, and their property sold for a mere trifle—and if it had not been for an act of the last Assembly, this practice would still have continued.

Mr. Chairman, I feel myself particularly interested in this part of the Constitution—I perceive dangers must and will arise, and when the laws of that government come to be enforced here, I have my fears for the consequences. It is not on that paper before you we have to rely, should it be received; it is on those that may be appointed under it—It will be an empire of men and not of laws—Your rights and liberties rest upon men—Their wisdom and integrity may preserve you—but on the contrary, should they prove ambitious, and designing, may they not flourish and triumph upon the ruins of their country?

He then proceeded to state the appellate jurisdiction of the judicial power, *both as to law and fact, with such exceptions and under such regulations as Congress shall make.* He observed, that as Congress had a right to organize the federal judiciary, they might or might not have recourse to a jury, as they pleased. He left it to the candor of the honorable gentleman to say, whether those persons who were at the expense of taking witnesses to Philadelphia, or wherever the federal judiciary may sit, could be certain whether they were to be heard before a jury or not. An honorable gentleman, (Mr. Marshall) the other day observed, that he con-

ceived the trial by jury better secured under the plan on the table than in the British government, or even in our bill of rights.—I have the highest veneration and respect for the honorable gentleman, and I have experienced his candor on all occasions; but, Mr. Chairman, in this instance, he is so materially mistaken, that I cannot but observe, he is much in an error. I beg the clerk to read that part of the constitution which relates to trial by jury.

The clerk then read the eighth article of the Bill of Rights. Mr. Marshall rose to explain what he had before said on this subject. He informed the committee, that the honorable gentleman (Mr. Henry) must have misunderstood him. He said, that he conceived the trial by jury was as well secured, and not better secured, in the proposed new Constitution, as in our Bill of Rights. The clerk then read the eleventh article of the Bill of Rights.

Mr. Henry.—Mr. Chairman: The gentleman's candor, sir, as I informed you before, I have the highest opinion of, and am happy to find he has so far explained what he meant—but, sir, has he mended the matter? Is not the ancient trial by jury preserved in the Virginia Bill of Rights, and is that the case in the new plan? No, sir, they can do it if they please. Will gentlemen tell me the trial by a jury of the vicinage where the party resides, is preserved? True, sir, there is to be a trial by a jury in the State where the fact was committed—but, sir, this State for instance, is so large that your juries may be collected five hundred miles from where the party resides—no neighbors who are acquainted with their characters, their good or bad conduct in life, to judge of the unfortunate man who may be thus exposed to the rigor of that government. Compare this security then, sir, in our Bill of Rights to that in the new plan of government, and in the first you have it—and in the other, in my opinion, not at all. But, sir, in what situation will our citizens be, who have made large con-

tracts under our present government? They will be called to a federal court, and tried under retrospective laws; for it is evident, to me at least, that the federal court must look back, and give new remedies, to compel individuals to fulfil them. The whole history of human nature cannot produce a government like that before you: The manner in which the judiciary and other branches of the government are formed, seem to me calculated to lay prostrate the States, and the liberties of the people. But, sir, another circumstance ought totally to reject that plan, in my opinion—which is, that it cannot be understood, in many parts even by the supporters of it. A constitution, sir, ought to be like a beacon, held up to the public eye so as to be understood by every man. Some gentlemen have observed that the word jury implies a jury of the vicinage. There are so many inconsistencies in this, that for my part, I cannot understand it. By the Bill of Rights of England, a subject has a right to a trial by his peers—what is meant by his peers? Those who reside near him, his neighbors—and who are well acquainted with his character and situation in life. Is this secured in the proposed plan before you? No, sir, I think not. But sir, as I have observed before, what is to become of the purchases of the Indians?—Those unhappy nations who have given up their lands to private purchasers, who by being made drunk, have given a thousand—nay, I might say ten thousand acres, for the trifling sum of six pence? It is with true concern, with grief I tell you, that I have waited with pain to come to this part of the plan—because, I observed gentlemen admitted its being defective—and I had my hopes, would have proposed amendments; but this part they have defended—and this convinces me of the necessity of obtaining amendments before it is adopted. They have defended it with ingenuity and perseverance, but by no means satisfactorily. If previous amendments are not obtained, the trial by jury is gone. British debtors will be ruined by being dragged to the federal court, and the liberty and happiness of our citizens gone—never again to be recovered.

The debate continuing:

MR. HENRY went into an explanation of the trial by jury, and the difference between the new plan and our Bill of Rights, and observed that the latter had been violated by several acts of assembly, which could only be justified by necessity: He begged gentlemen to consider how necessary it was to have that invaluable blessing secured: Those feeble implications, relative to juries in the new plan, might create the unhappy tendency of factions in a republican government; which nothing but a monarchy could suppress. As to people escaping with public money, the gentlemen must know that bond and security is always taken on occasions where men are entrusted with the collection of it, and these can follow them, and be sued for and recovered in another State, or wherever they may escape to.

On June 24, the Convention having gotten through the discussion of the Constitution clause by clause, Chancellor Wythe offered a form of ratification, the same that was afterward adopted,[1] and spoke in its advocacy. Mr. Henry replied.

MR. HENRY, after observing that the proposal of ratification was premature, and that the importance of the subject required the most mature deliberation, proceeded thus: The honorable member must forgive me for declaring my dissent from it, because, if I understand it rightly, it admits that the new system is defective, and most capitally. For immediately after the proposed ratification, there comes a declaration, that the paper before you is not intended to violate any of these three great rights—the liberty of religion, liberty of the press, and the trial by jury. What is the inference, when you enumerate the rights which you are to enjoy? That those not enumerated are relinquished. There are only three things to be retained:—Religion,

[1] See post, 591–2.

freedom of the press, and jury trial. Will not the ratification carry everything, without excepting these three things? Will not all the world pronounce, that we intended to give up all the rest? Everything it speaks of by way of right is comprised in these three things. Your subsequent amendments, only go to these three amendments. I feel myself distressed, because the necessity of securing our personal rights seems not to have pervaded the minds of men: For many other valuable things are omitted. For instance: —General warrants, by which an officer may search suspected places, without evidence of the commission of a fact, or seize any person without evidence of his crime, ought to be prohibited. As these are admitted, any man may be seized; any property may be taken, in the most arbitrary manner, without any evidence or reason. Everything the most sacred, may be searched and ransacked by the strong hand of power. We have infinitely more reason to dread general warrants here, than they have in England; because there, if a person be confined, liberty may be quickly obtained by the writ of *habeas corpus*. But here a man living many hundred miles from the judges, may rot in prison before he can get that writ.

Another most fatal omission, is with respect to standing armies.—In your Bill of Rights of Virginia, they are said to be dangerous to liberty, and it tells you, that the proper defence of a free state consists in militia; and so I might go on to ten or eleven things of immense consequence secured in your Bill of Rights, concerning which that proposal is silent. Is that the language of the Bill of Rights in England? Is it the language of the American Bill of Rights, that these three rights, and these only, are valuable? Is it the language of men going into a new government? Is it not necessary to speak of those things before you go into a compact? How do these three things stand? As one of the parties, we declare we do not mean to give them up: This is very dictatorial. Much more so than the conduct which proposes alterations as the condition of adoption. In a compact there are two parties,—one accepting, and another propos-

ing. As a party, we propose that we shall secure these three things; and before we have the assent of the other contracting party, we go into the compact, and leave these things at their mercy. What will be the consequence? Suppose the other States will call this dictatorial? They will say, Virginia has gone into the government, and carried with her certain propositions, which she says, ought to be concurred in by the other States. They will declare, that she has no right to dictate to other States the conditions on which they shall come into the Union. According to the honorable member's proposal, the ratification will cease to be obligatory unless they accede to these amendments. We have ratified it. You have committed a violation, they will say. They have not violated it. We say we will go out of it. You are then reduced to a sad dilemma: To give up these three rights, or leave the government. This is worse than our present confederation, to which we have hitherto adhered honestly and faithfully. We shall be told we have violated it, because we have left it for the infringement and violation of conditions, which they never agreed to be a part of the ratification. The ratification will be complete. The proposal is made by one party. We, as the other, accede to it, and propose the security of these three great rights; for it is only a proposal. In order to secure them, you are left in that state of fatal hostility, which I shall as much deplore as the honorable gentleman. I exhort gentlemen to think seriously, before they ratify this Constitution, and persuade themselves that they will succeed in making a feeble effort to get amendments after adoption. With respect to that part of the proposal, which says, that every power not granted remains with the people; it must be previous to adoption, or it will involve this country in inevitable destruction. To talk of it, as a thing subsequent, not as one of your unalienable rights, is leaving it to the casual opinion of the Congress who shall take up the consideration of that matter. They will not reason with you about the effect of this Constitution. They will not take the opinion of this committee concerning its operation.

They will construe it as they please. If you place it subsequently, let me ask the consequences? Among ten thousand implied powers which they may assume, they may, if we be engaged in war, liberate every one of your slaves if they please. And this must and will be done by men, a majority of whom have not a common interest with you. They will therefore have no feeling for your interests. It has been repeatedly said here, that the great object of a national government was national defence. That power which is said to be intended for security and safety, may be rendered detestable and oppressive. If you give power to the general government to provide for the general defence, the means must be commensurate to the end. All the means in the possession of the people must be given to the government which is intrusted with the public defence. In this State there are 236,000 blacks, and there are many in several other States. But there are few or none in the Northern States; and yet if the Northern States shall be of opinion, that our slaves are numberless, they may call forth every national resource. May Congress not say, that every black man must fight? Did we not see a little of this in the last war? We were not so hard pushed as to make emancipation general. But acts of Assembly passed, that every slave who would go to the army should be free. Another thing will contribute to bring this event about—slavery is detested—we feel its fatal effects—we deplore it with all the pity of humanity. Let all these considerations, at some future period, press with full force on the minds of Congress. Let that urbanity, which I trust will distinguish America, and the necessity of national defence:—Let all these things operate on their minds. They will search that paper, and see if they have power of manumission.—And have they not, sir?—Have they not power to provide for the general defence and welfare?—May they not think that these call for the abolition of slavery?—May they not pronounce all slaves free, and will they not be warranted by that power?—There is no ambiguous implication, or logical deduction—The paper speaks to the point. They have the power in

clear unequivocal terms; and will clearly and certainly exercise it. As much as I deplore slavery, I see that prudence forbids its abolition. I deny that the general government ought to set them free, because a decided majority of the States have not the ties of sympathy and fellow-feeling for those whose interest would be affected by their emancipation. The majority of Congress is to the north, and the slaves are to the south. In this situation, I see a great deal of the property of the people of Virginia in jeopardy, and their peace and tranquillity gone away. I repeat it again, that it would rejoice my very soul, that every one of my fellow-beings was emancipated. As we ought with gratitude to admire that decree of heaven which has numbered us among the free, we ought to lament and deplore the necessity of holding our fellow-men in bondage. But is it practicable, by any human means, to liberate them, without producing the most dreadful and ruinous consequences? We ought to possess them in the manner we have inherited them from our ancestors, as their manumission is incompatible with the felicity of the country. But we ought to soften, as much as possible, the rigor of their unhappy fate. I know that in a variety of particular instances, the legislature, listening to complaints, have admitted their emancipation. Let me not dwell on this subject. I will only add, that this, as well as every other property of the people of Virginia is in jeopardy, and put in the hands of those who have no similarity of situation with us. This is a local matter, and I can see no propriety in subjecting it to Congress. With respect to subsequent amendments, proposed by the worthy member, I am distressed when I hear the expression. It is a new one altogether, and such a one as stands against every idea of fortitude, and manliness, in the States, or anyone else. Evils admitted, in order to be removed subsequently, and tyranny submitted to, in order to be excluded by a subsequent alteration, are things totally new to me. But I am sure he meant nothing but to amuse the committee. I know his candor. His proposal is an idea dreadful to me. I ask—does experi-

ence warrant such a thing from the beginning of the world, to this day? Do you enter into a compact of government first, and afterwards settle the terms of the government? It is admitted by every one, that this is a compact. Although the confederation be lost, it is a compact constitution, or something of that nature. I confess I never heard of such an idea before. It is most abhorrent to my mind. You endanger the tranquillity of your country—you stab its repose, if you accept this government unaltered. How are you to allay animosities?—For such there are, great and fatal. He flatters me, and tells me, that I could influence the people, and reconcile them to it. Sir, their sentiments are as firm and steady as they are patriotic. Were I to ask them to apostatize from their native religion, they would despise me. They are not to be shaken in their opinions, with respect to the propriety of preserving their rights. You never can persuade them, that it is necessary to relinquish them. Were I to attempt to persuade them to abandon their patriotic sentiments, I should look on myself as the most infamous of men. I believe it to be a fact, that the great body of yeomanry are in decided opposition to it. I may say with confidence, that for nineteen counties adjacent to each other, nine-tenths of the people are conscientiously opposed to it. I may be mistaken, but I give you it as my opinion, and my opinion is founded on personal knowledge in some measure, and other good authority. I have not hunted popularity by declaiming to injure this government. Though public fame might say so, it was not owing to me that this flame of opposition has been kindled and spread. These men never will part with their political opinions. If they should see their political happiness secured to the latest posterity, then indeed they might agree to it. Subsequent amendments will not do for men of this cast. Do you consult the union in proposing them? You may amuse them as long as you please, but they will never like it. You have not solid reality, the hearts and hands of the men who are to be governed.

Have gentlemen no respect to the actual dispositions of

the people in the adopting States? Look at Pennsylvania and Massachusetts. These two great States have raised as great objections to that government as we do. There was a majority of only nineteen in Massachusetts. We are told that only ten thousand were represented in Pennsylvania, although seventy thousand had a right to be represented. Is not this a serious thing?—Is it not worth while to turn your eyes for a moment from subsequent amendments, to the situation of your country? Can you have a lasting union in these circumstances? It will be in vain to expect it. But if you agree to previous amendments, you shall have union, firm and solid. I cannot conclude without saying, that I shall have nothing to do with it, if subsequent amendments be determined upon. Oppressions will be carried on as radically by the majority when adjustments and accommodations will be held up. I say, I conceive it my duty, if this government is adopted before it is amended, to go home. I shall act as I think my duty requires.—Every other gentleman will do the same. Previous amendments, in my opinion, are necessary to procure peace and tranquillity. I fear, if they be not agreed to, every movement and operation of government will cease, and how long that baneful thing, *civil discord*, will stay from this country, God only knows. When men are free from restraint, how long will you suspend their fury? The interval between this and bloodshed, is but a moment. The licentious and wicked of the community, will seize with avidity everything you hold. In this unhappy situation, what is to be done? It surpasses my stock of wisdom. If you will in the language of freemen, stipulate, that there are rights which no man under heaven can take from you, you shall have me going along with you:—Not otherwise.

Here the reporter notes that Mr. Henry informed the committee, that he had a resolution prepared, to refer a declaration of rights, with certain amendments to the most exceptionable parts of the Constitution, to the other States in

the confederacy, for their consideration, previous to its ratification. The clerk then read the resolution, the declaration of rights, and amendments, which were nearly the same as those ultimately proposed by the convention, which see at the conclusion. He then resumed the subject.

I have thus candidly submitted to you, Mr. Chairman, and this committee, what occurred to me as proper amendments to the Constitution, and a declaration of rights containing those fundamental unalienable privileges, which I conceive to be essential to liberty and happiness. I believe, that on a review of these amendments it will still be found, that the arm of power will be sufficiently strong for national purposes, when these restrictions shall be a part of the government. I believe no gentleman who opposes me in sentiments, will be able to discover that any one feature of a strong government is altered; and at the same time your unalienable rights are secured by them. The government unaltered may be terrible to America; but can never be loved, till it be amended. You find all the resources of the continent may be drawn to a point. In danger, the President may concentre to a point every effort of the continent. If the government be constructed to satisfy the people, and remove their apprehensions, the wealth and strength of the continent will go where public utility shall direct.—This government, with these restrictions, will be a strong government united with the privileges of the people. —In my weak judgment, a government is strong when it applies to the most important end of all governments—the rights and privileges of the people. In the honorable member's proposal, jury trial, the press, and religion, and other essential rights, are not to be given up.—*Other essential rights*—what are they? The world will say, that you intended to give them up. When you go into an enumeration of your rights, and stop that enumeration, the inevitable conclusion is, that what is omitted is intended to be surrendered. Anxious as I am to be as little troublesome

as possible, I cannot leave this part of the subject without adverting to one remark of the honorable gentleman. He says, that rather than bring the union into danger, he will adopt it with its imperfections. A great deal is said about disunion, and consequent dangers. I have no claim to a greater share of fortitude than others, but I can see no kind of danger. I form my judgment on a single fact alone,—that we are at peace with all the world, nor is there any apparent cause of a rupture with any nation in the world. Is it among the American States that the cause of disunion is to be feared? Are not the States using all their efforts for the promotion of union? New England sacrifices local prejudices for the purposes of union. We hear the necessity of the union, and predilection for the union, re-echoed from all parts of the continent; and all at once disunion is to follow! If gentlemen dread disunion, the very thing they advocate will inevitably produce it. A previous ratification will raise insurmountable obstacles to union. New York is an insurmountable obstacle to it, and North Carolina also.—They will never accede to it, till it be amended. A great part of Virginia is opposed most decidedly to it, as it stands. This very spirit which will govern us in these three States, will find a kindred spirit in the adopting States. Give me leave to say, that it is very problematical, that the adopting States can stand on their own legs. I hear only on one side, but as far as my information goes, there are heart-burnings and animosities among them. Will these animosities be cured by subsequent amendments?

Turn away from America, and consider European politics. The nations there which can trouble us are France, England, and Spain. But at present we know for a certainty that those nations are engaged in very different pursuits from American conquests. We are told by our intelligent ambassador that there is no such danger as has been apprehended. Give me leave, then, to say that dangers from beyond the Atlantic are imaginary. From these premises then, it may be concluded that from the creation

of the world to this time, there never was a more fair and proper opportunity than we have at this day, to establish such a government as will permanently establish the most transcendent political felicity. Since the Revolution, there has not been so much experience—since then, the general interests of America have not been better understood, nor the union more ardently loved than at the present moment. I acknowledge the weakness of the old confederation Every man says that something must be done. Where is the moment more favorable than this? During the war, when ten thousand dangers surrounded us, America was magnanimous. What was the language of the little State of Maryland? "I will have time to consider. I will hold out three years. Let what may come, I will have time to reflect." Magnanimity appeared everywhere. What was the upshot? America triumphed. Is there anything to forbid us to offer these amendments to the other States? If this moment goes away unimproved, we shall never see its return. We now act under a happy system which says that a majority may alter the government when necessary. But by the paper proposed, a majority will forever endeavor in vain to alter it. Three-fourths may. Is not this the most promising time for securing the necessary alteration? Will you go into that government where it is a principle that a contemptible minority may prevent an alteration? What will be the language of the majority?—*Change the government.*—Nay, seven-eighths of the people of America may wish the change; but the minority may come with a *Roman veto*, and object to the alteration. The language of a magnanimous country and of freemen is, *till you remove the defects we will not accede.* It would be in vain for me to show that there is no danger to prevent our obtaining those amendments, if you are not convinced already. If the other States will not agree to them, it is not an inducement to union. The language of this paper is not dictatorial, but merely a proposition for amendments. The proposition of Virginia met with a favorable reception before. We proposed that convention which met at Annapolis. It

was not called dictatorial. We proposed that at Philadelphia. Was Virginia thought dictatorial? But Virginia is now to lose her pre-eminence. Those rights of equality to which the meanest individual in the community is entitled, is to bring us down infinitely below the Delaware people. Have we not a right to say, *hear our propositions?* Why, sir, your slaves have a right to make their humble requests. —Those who are in the meanest occupations of human life have a right to complain. What do we require? Not pre-eminence, but safety. That our citizens may be able to sit down in peace and security under their own fig-trees. I am confident that sentiments like these, will meet with unison in every State; for they will wish to banish discord from American soil. I am certain that the warmest friend of the Constitution wishes to have fewer enemies—fewer of those who pester and plague him with opposition. I could not withhold from my fellow-citizens anything so reasonable. I fear you will have no union unless you remove the cause of opposition. Will you sit down contented with the name of union without any solid foundation?

Mr. Henry then concluded by expressing his hopes that his resolution would be adopted, and added that if the committee should disapprove of any of his amendments, others might be substituted.

Mr. Henry was followed by Randolph and Madison, in favor of Wythe's resolution, and Dawson and Grayson opposing it, and advocating the previous engrafting of the amendments offered by Mr. Henry. After Mr. Madison spoke Mr. Henry said:

Mr. Henry.—Mr. Chairman: The honorable gentleman who was up some time ago, exhorts us not to fall into a repetition of the defects of the confederation. He said we ought not to declare that each State retains every power, jurisdiction and right which is not expressly delegated, because experience has proved the insertion of such a re-

striction to be destructive, and mentioned an instance to prove it. That case, Mr. Chairman, appears to me to militate against himself.—Passports would not be given by Congress—and why? Because there was a clause in the confederation which denied them implied powers. And, says he, shall we repeat the error? He asked me where was the power of emancipating slaves. I say it will be implied, unless implication be prohibited. He admits that the power of granting passports will be in the new Congress without the insertion of this restriction—yet he can show me nothing like such a power granted in that Constitution. Notwithstanding he admits their right to this power by implication, he says that I am unfair and uncandid in my deduction, that they can emancipate our slaves, though the word emancipation be not mentioned in it. They can exercise power by implication in one instance as well as in another. Thus by the gentleman's own argument, they can exercise the power though it be not delegated.

We were then told that the power of treaties and commerce was the *sine qua non* of the union.—That the little would not confederate otherwise.—There is a thing not present to human view.—We have seen great concessions from the large States to the little States. But little concessions from the little States to the great States will be refused. He concedes that great concessions were made in the great convention. Now when we speak of rights, and not of emoluments, these little States would not have been affected. What boon did we ask? We demanded only rights which ought to be unalienable and sacred. We have nothing local to ask. We ask rights which concern the general happiness. Must not justice bring them into the concession of these? The honorable gentleman was pleased to say that the new government in this policy, will be equal to what the present is. If so, that amendment will not injure that part.

He then mentioned the danger that would arise from foreign gold.— We may be bribed by foreign powers if we

ask for amendments to secure our own happiness. Are we to be bribed to forget our own interests? I will ask if foreign gold be likely to operate, where will it be? In the seat of government, or in those little channels in which the state authority will flow? It will be at the fountain of power, where bribery will not be detected. He speaks of war and bloodshed. Whence do this war and bloodshed come? I fear it, but not from the source he speaks of. I fear it, sir, from the operation and friends of the federal government. He speaks with contempt of this amendment. But whoever will advert to the use made repeatedly in England of the prerogative of the king, and the frequent attacks on the privileges of the people, notwithstanding many legislative acts to secure them, will see the necessity of excluding implication. Nations who have trusted to logical deduction have lost their liberty. The honorable gentleman last up, agrees that there are defects, and by and by he says there is no defect. Does not this amount to a declaration that subsequent amendments are not necessary? His arguments, great as the gentleman's abilities are, tend to prove that amendments cannot be obtained after adoption. Speaking of forty amendments, he calculated that it was something like impracticability to obtain them. I appeal therefore to the candor of the honorable gentleman, and this committee, whether amendments be not absolutely unattainable if we adopt. For he has told us, that if the other States will do like this they cannot be previously obtained. Will the gentleman bring this home to himself? This is a piece of information which I expected. The worthy member who proposed to ratify, has also proposed that what amendments may be deemed necessary, should be recommended to Congress, and that a committee should be appointed to consider what amendments were necessary. But what does it all come to at last? That it is a vain project, and that it is indecent and improper. I will not argue unfairly, but I will ask him if amendments are not unattainable? Will gentlemen then lay their hands on their hearts, and say that they can adopt it in this shape?

When we demand this security of our privileges, the language of Virginia is not that of disrespect.—Give me leave to deny it. She only asks amendments previous to her adoption of the Constitution.

Was the honorable gentleman accurate when he said that they could exist better without us than we could without them? I will make no comparison. But I will say that the States which have adopted will not make a respectable appearance without us. Would he advise them to refuse us admission when we profess ourselves friends to the union, and only solicit them to secure our rights? We do not reject a connection with them—we only declare that we will adopt it, if they will but consent to the security of rights effectual to the general happiness.

He told you to confine yourselves to amendments which were indisputably true, as applying to several parts of the system proposed. Did you hear anything like the admission of the want of such amendments from any one else? I will not insist on any that does not stand on the broad basis of human rights. He says there are forty. I say there is but one half the number, for the Bill of Rights is but one amendment.

He tells you of important blessings which he imagines will result to us and mankind in general, from the adoption of this system—I see the awful immensity of the dangers with which it is pregnant—I see it—I feel it.—I see *beings* of a higher order anxious concerning our decision. When I see beyond the horizon that binds human eyes, and look at the final consummation of all human things, and see those intelligent beings which inhabit the ethereal mansions reviewing the political decisions and revolutions which in the progress of time will happen in America, and the consequent happiness or misery of mankind—I am led to believe that much of the account on one side or the other, will depend on what we now decide. Our own happiness alone is not affected by the event—all nations are interested in the determination. We have it in our power to secure the happiness of one half of the human race. Its

adoption may involve the misery of the other hemisphere. —[Here a violent storm arose, which put the house in such disorder that Mr. Henry was obliged to conclude.]

The debate was continued by Nicholas, Ronald, Madison, Harrison, Monroe, Innes, Tyler, Stephen, and Johnson, and on June 25, Mr. Henry said:

Mr. Henry.—Mr. Chairman: When we were told of the difficulty of obtaining previous amendments, I contended that they might be as easily obtained as subsequent amendments. We are told that nine States have adopted it. If so, when the government gets in motion, have they not a right to consider our amendments as well as if we adopted first? If we remonstrate, may they not consider and admit our amendments? But now, sir, when we have been favored with a view of their subsequent amendments, I am confirmed in what I apprehended; and that is, that subsequent amendments will make our condition worse. For they are placed in such a point of view as will make this convention ridiculous. I speak in plain direct language—it is extorted from me. If this convention will say that the very right by which amendments are desired is not secured, then I say our rights are not secured. As we have the right of desiring amendments, why not exercise it? But gentlemen deny this right. It follows, of course, that if this right be not secured, our other rights are not. The proposition of subsequent amendments is only to lull our apprehensions. We speak the language of contradiction and inconsistency to say that rights are secured, and then say that they are not. Is not this placing this convention in a contemptible light? Will not this produce contempt of us in congress and every other part of the world? Will gentlemen tell me that they are in earnest about these amendments?

I am convinced they mean nothing serious. What are the rights which they do not propose to secure—which they reject? For I contend there are many essential and

vital rights which are omitted. One is the power of direct taxation. Gentlemen will not even give this invaluable right a place among their subsequent amendments. And do gentlemen mean seriously that they will oppose us on this ground on the floor of Congress? If Virginia thinks it one of her dearest rights, she need not expect to have it amended. No, sir, it will be opposed. Taxes and excises are to be laid on us.—The people are to be oppressed, and the State legislature prostrated. Very material amendments are omitted. With respect to your militia, we only request that, if Congress should refuse to find arms for them, this country may lay out their own money to purchase them. But what do the gentlemen on the other side say? As much as that they will oppose you in this point also; for if my recollection has not failed me, they have discarded this also. And shall we be deprived of this privilege? We propose to have it in case there shall be a necessity to claim it. And is this claim incompatible with the safety of this country—with the grandeur and strength of the United States? If gentlemen find peace and rest on their minds, when the relinquishment of our rights is declared to be necessary for the aggrandizement of the government, they are more contented than I am.

Another thing which they have not mentioned is the power of treaties. Two-thirds of the senators present can make treaties, and they are, when made, to be the supreme law of the land, and are to be paramount to the State Constitutions. We wish to guard against the temporary suspension of our great national rights. We wish some qualification of this dangerous power. We wish to modify it. One amendment which has been wished for in this respect, is, that no treaty should be made without the consent of a considerable majority of both houses. I might go on and enumerate many other great rights entirely neglected by their subsequent amendments, but I shall pass over them in silence. I am astonished at what my worthy friend (Mr. Innes) said—that we had no right of proposing previous amendments. That honorable gentleman is endowed with

great eloquence—eloquence splendid, magnificent, and sufficient to shake the human mind! He has brought the whole force of America against this State. He has also strongly represented our comparative weakness with respect to the powers of Europe. But when I review the actual state of things, I see that dangers from thence are merely ideal. His reasoning has no effect on me. He cannot shake my political faith. He admits our power over subsequent amendments, though not over previous amendments. Where is the distinction between them? If we have a right to depart from the letter of our commission in one instance, we have in the other. For subsequent amendments have no higher authority than previous. We will be absolutely certain of escaping danger in the one case, but not in the other. I think the apprehension expressed by another honorable gentleman has no good foundation. He apprehended civil discord if we did not adopt. I am willing to concede that he loves his country. I will for the sake of argument, allow that I am one of the meanest of those who love their country. But what does this amount to? The great and direct end of government is liberty. Secure our liberty and privileges, and the end of government is answered. If this be not effectually done, government is an evil. What amendments does he propose which secure our liberty? I ask pardon if I make a mistake, but it seems to me that his proposed subsequent amendments do not secure one single right. They say that your rights are secured in the paper on the table, so that these subsequent amendments are a mere supererogation. They are not necessary, because the objects intended to be secured by them are secured already. What is to become of the trial by jury? Had its security been made a part of the Constitution it would have been sufficiently guarded. But as it is, in that proposition, it is by no means explicitly secured. Is it not trifling to admit the necessity of securing it and not do it in a positive, unequivocal manner? I wish I could place it in any other view than a trifling one. It is only intended to attack every project of introducing amend-

ments. If they are serious, why do they not join us, and ask in a manly, firm and resolute manner, for these amendments. Their view is to defeat every attempt to amend. When they speak of their subsequent recommendations they tell you that amendments must be got, and the next moment they say they are unnecessary.

I beg pardon of this house for having taken up more time than came to my share, and I thank them for the patience and polite attention with which I have been heard. If I shall be in the minority, I shall have those painful sensations which arise from a conviction of being overpowered in a good cause. Yet I will be a peaceable citizen. My head, my hand, and my heart shall be at liberty to retrieve the loss of liberty, and remove the defects of that system, in a constitutional way. I wish not to go to violence, but will wait with hopes that the spirit which predominated in the revolution is not yet gone, nor the cause of those who are attached to the revolution yet lost—I shall therefore patiently wait in expectation of seeing that government changed so as to be compatible with the safety, liberty, and happiness of the people.

Randolph followed in a few remarks, and then the committee of the whole rose and reported to the convention the following resolutions:

Resolved, That it is the opinion of this committee, that the said Constitution be ratified.

Resolved, That it is the opinion of this committee, that whatsoever amendments may be deemed necessary be recommended to the consideration of the Congress which shall first assemble under the said Constitution, to be acted upon according to the mode prescribed in the fifth article thereof.

The first resolution being read a second time, a motion was made, and the question being put to amend the same by substituting, in lieu of the said resolution and its preamble, the following resolution:

Resolved, That previous to the ratification of the new Constitution of government recommended by the late fed-

eral convention, a declaration of rights asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most exceptionable parts of the said Constitution of government, ought to be referred by this convention to the other States in the American confederacy, for their consideration.

It passed in the negative—Ayes 80—Noes 88.

And then the main question being put that the convention do agree with the committee in the said first resolution,

It was resolved in the affirmative—Ayes 89—Noes 79.

The second resolution was also resolved in the affirmative.

On motion, *Ordered*, That a committee be appointed to prepare and report a form of ratification, pursuant to the first resolution; and that his Excellency Governor Randolph, Mr. Nicholas, Mr. Madison, Mr. Marshall, and Mr. Corbin compose the said committee.

On motion, *Ordered*, That a committee be appointed to prepare and report such amendments as shall by them be deemed necessary to be recommended, pursuant to the second resolution; and that the Hon. George Wythe, Mr. Harrison, Mr. Mathews, Mr. Henry, His Excellency Governor Randolph, Mr. George Mason, Mr. Nicholas, Mr. Grayson, Mr. Madison, Mr. Tyler, Mr. John Marshall, Mr. Monroe, Mr. Ronald, Mr. Bland, Mr. Meriwether Smith, The Hon. Paul Carrington, Mr. Innes, Mr. Hopkins, The Hon. John Blair, and Mr. Simms compose the said committee.

His Excellency Governor Randolph reported from the committee appointed, according to order, a form of ratification, which was read and agreed to by the convention, in the words following:

VIRGINIA, to wit:

We the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the general assembly, and now met in convention, having fully and freely

investigated and discussed the proceedings of the Federal Convention, and being prepared as well as the most mature deliberation hath enabled us to decide thereon, Do, in the name and in behalf of the people of Virginia, declare and make known that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them whenever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them and at their will: That therefore no right of any denomination, can be cancelled, abridged, restrained or modified by the Congress, by the Senate or House of Representatives acting in any capacity, by the President, or any department or officer of the United States, except in those instances in which power is given by the Constitution for those purposes; and that among other essential rights the liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States.

With these impressions; with a solemn appeal to the searcher of hearts for the purity of our intentions, and under the conviction that, whatsoever imperfections may exist in the Constitution, ought rather to be examined in the mode prescribed therein, than to bring the union into danger by a delay, with a hope of obtaining amendments, previous to the ratification:

We the said Delegates, in the name and in behalf of the people of Virginia, do by these presents assent to, and ratify the Constitution recommended on the seventeenth day of September, one thousand seven hundred and eighty-seven, by the Federal Convention, for the government of the United States; hereby announcing to all those whom it may concern, that the said Constitution is binding upon the said people, according to an authentic copy hereto annexed, in the words following:

The following is from the proceedings of June 27.

Mr. Wythe reported, from the committee appointed, such amendments to the proposed Constitution of government for

the United States, as were by them deemed necessary to be recommended to the consideration of the congress which shall first assemble under the said constitution, to be acted upon according to the mode prescribed in the fifth article thereof; and he read the same in his place, and afterwards delivered them in at the clerk's table, where the same were again read, and are as followeth:

That there be a declaration or bill of rights asserting and securing from encroachment the effectual and unalienable rights of the people in some such manner as the following:

1st. That there are certain natural rights of which men when they form a social compact cannot deprive or divest their posterity, among which are the enjoyment of life, and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

2d. That all power is naturally vested in, and consequently derived from the people; that magistrates therefore are their trustees and agents, and at all times amenable to them.

3d. That government ought to be instituted for the common benefit, protection, and security of the people; and that the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive to the good and happiness of mankind.

4th. That no man or set of men are entitled to exclusive or separate public emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge, or any other public office to be hereditary.

5th. That the legislative, executive, and judiciary powers of government should be separate and distinct, and that the members of the two first may be restrained from oppression by feeling and participating the public burthens, they should at fixed periods be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections; in which all or any

part of the former members should be eligible or ineligible, as the rules of the constitution of government, and the laws shall direct.

6th. That elections of representatives in the legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest with, and attachment to the community, ought to have the right of suffrage; and no aid, charge, tax, or fee can be set, rated, or levied upon the people without their own consent, or that of their representatives, so elected, nor can they be bound by any law to which they have not in like manner assented for the public good.

7th. That all power of suspending laws, or the execution of laws by any authority without the consent of the representatives of the people in the legislature, is injurious to their rights, and ought not to be exercised.

8th. That in all criminal and capital prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty (except in the government of the land and naval forces), nor can he be compelled to give evidence against himself.

9th. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, privileges, or franchises or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

10th. That every freeman restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied nor delayed.

11th. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolable.

12th. That every freeman ought to find a certain remedy by recourse to the laws for all injuries and wrongs he may receive in his person, property, or character. He ought to obtain right and justice freely without sale, completely and without denial, promptly and without delay, and that all establishments or regulations, contravening these rights, are oppressive and unjust.

13th. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

14th. That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers, and property; all warrants therefore to search suspected places, or seize any freeman, his papers, or property, without information upon oath (or affirmation of a person religiously scrupulous of taking an oath) of legal and sufficient cause, are grievous and oppressive, and all general warrants to search suspected places, or to apprehend any suspected person without specially naming or describing the place or person, are dangerous, and ought not to be granted.

15th. That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives; and that every freeman has a right to petition or apply to the legislature for redress of grievances.

16th. That the people have a right to freedom of speech, and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

17th. That the people have a right to keep and bear arms; that a well regulated militia composed of the body of the people trained to arms, is the proper, natural, and safe defence of a free state. That standing armies in time of peace are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that in all cases, the military should be under strict subordination to and governed by the civil power.

18th. That no soldier in time of peace ought to be quartered in any house without the consent of the owner, and in time of war in such manner only as the laws direct.

19th. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of an equivalent to employ another to bear arms in his stead.

20th. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural, and unalienable right to the free exercise of religion according to the dictates of conscience, and that no particular religious sect or society ought to be favored or established by law in preference to others.

Amendments to the Constitution.

1st. That each state in the union shall respectively retain every power, jurisdiction, and right, which is not by this constitution delegated to the congress of the United States, or to the departments of the federal government.

2d. That there shall be one representative for every thirty thousand, according to the enumeration or census mentioned in the constitution, until the whole number of representatives amounts to two hundred; after which that number shall be continued or increased as congress shall direct, upon the principles fixed in the constitution, by apportioning the representatives of each state to some greater number of people from time to time, as population increases.

3d. When the congress shall lay direct taxes or excises, they shall immediately inform the executive power of each state of the quota of such state, according to the census herein directed, which is proposed to be thereby raised; and if the legislature of any state shall pass a law which shall be effectual for raising such quota at the time required by congress, the taxes and excises laid by congress, shall not be collected in such state.

4th. That the members of the senate and house of representatives shall be ineligible to, and incapable of holding any civil office under the authority of the United States, during the time for which they shall be respectively elected.

5th. That the journals of the proceedings of the senate and house of representatives shall be published at least once in every year, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy.

6th. That a regular statement and account of the receipts and expenditures of all public money, shall be published at least once in every year.

7th. That no commercial treaty shall be ratified without the concurrence of two-thirds of the whole number of the members of the senate; and no treaty, ceding, contracting, restraining, or suspending the territorial rights or claims of the United States, or any of them, or their, or any of their rights or claims to fishing in the American seas, or navigating the American rivers, shall be made, but in cases of the most urgent and extreme necessity, nor shall any such treaty be ratified without the concurrence of three-fourths of the whole number of the members of both houses respectively.

8th. That no navigation law or law regulating commerce shall be passed without the consent of two-thirds of the members present, in both houses.

9th. That no standing army or regular troops shall be raised, or kept up in time of peace, without the consent of two-thirds of the members present, in both houses.

10th. That no soldier shall be enlisted for any longer term than four years, except in time of war, and then for no longer term than the continuance of the war.

11th. That each state respectively shall have the power to provide for organizing, arming, and disciplining its own militia, whensoever congress shall omit or neglect to provide for the same. That the militia shall not be subject to martial law, except when in actual service in time of war, invasion, or rebellion, and when not in the actual service of

the United States, shall be subject only to such fines, penalties, and punishments as shall be directed or inflicted by the laws of its own state.

12th. That the exclusive power of legislation given to congress over the federal town and its adjacent district, and other places, purchased or to be purchased by congress of any of the states, shall extend only to such regulations as respect the police and good government thereof.

13th. That no person shall be capable of being President of the United States for more than eight years in any term of sixteen years.

14th. That the judicial power of the United States shall be vested in one supreme court, and in such courts of admiralty as congress may from time to time ordain and establish in any of the different states. The judicial power shall extend to all cases in law and equity arising under treaties made, or which shall be made, under the authority of the United States; to all cases affecting ambassadors, other foreign ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, and between parties claiming lands under the grants of different states. In all cases affecting ambassadors, other foreign ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction; in all other cases before mentioned, the supreme court shall have appellate jurisdiction as to matters of law only; except in cases of equity, and of admiralty and maritime jurisdiction, in which the supreme court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the congress shall make. But the judicial power of the United States shall extend to no case where the cause of action shall have originated before the ratification of this constitution; except in disputes between states about their territory; disputes between persons claiming lands under the grants of different states, and suits for debts due to the United States.

15th. That in criminal prosecutions, no man shall be restrained in the exercise of the usual and accustomed right of challenging or excepting to the jury.

16th. That congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for senators and representatives, or either of them, except when the legislature of any state shall neglect, refuse or be disabled by invasion or rebellion to prescribe the same.

17th. That those clauses which declare that congress shall not exercise certain powers, be not interpreted in any manner whatsoever, to extend the powers of congress; but that they be construed either as making exceptions to the specified powers where this shall be the case, or otherwise, as inserted merely for greater caution.

18th. That the laws ascertaining the compensation of senators and representatives for their services, be postponed in their operation until after the election of representatives immediately succeeding the passing thereof; that excepted, which shall first be passed on the subject.

19th. That some tribunal other than the senate be provided for trying impeachments of senators.

20th. That the salary of a judge shall not be increased or diminished during his continuance in office otherwise than by general regulations of salary, which may take place on a revision of the subject at stated periods of not less than seven years, to commence from the time such salaries shall be first ascertained by Congress.

And the convention do, in the name and behalf of the people of this commonwealth, enjoin it upon their representatives in congress to exert all their influence and use all reasonable and legal methods to obtain a Ratification of the foregoing alterations and provisions in the manner provided by the fifth article of the said constitution; and in all congressional laws to be passed in the meantime, to conform to the spirit of these amendments as far as the said constitution will admit.

And so much of the said amendments as is contained in

the first twenty articles, constituting the bill of rights, being again read;

Resolved, That this convention doth concur therein.

The other amendments to the said proposed constitution, contained in twenty articles, being then again read, a motion was made, and the question being put, to amend the same by striking out the third article containing these words:

"When congress shall lay direct taxes, or excises, they shall immediately inform the executive power of each state, of the quota of such state according to the census herein directed, which is proposed to be thereby raised; and if the legislature of any state shall pass a law which shall be effectual for raising such quota at the time required by congress, the taxes and excises laid by congress shall not be collected in such state."

It passed in the negative—Ayes 65—Noes 85.

And then the main question being put that this convention doth concur with the committee in the said amendments;

It was resolved in the affirmative.

Argument of Patrick Henry in The British Debt Cause.

The following account of the case of Jones against Walker, involving the liability of Virginia debtors to British creditors after the Revolution, is taken from the Life of Patrick Henry by Wm. Wirt. Mr. Wirt had access to the report of Mr. Henry's argument made by David Robertson, who took it down in shorthand. Mr. Wirt states that the manuscript itself showed the inability of the reporter to follow accurately Mr. Henry, "either in his captivating flights of fancy, or those unexpected and overwhelming assaults which he made upon the hearts of the judges," by the interlineations and erasures which were seen. And that, "on reading these parts to those who heard the speech, they had invariably turned off from the recital with the strongest expressions of disappointment, and in several instances corrected by memory the language of the reporter." Yet Mr. Wirt is satisfied that the report may be relied on so far as it professes to state the principles of law, and the substance of the arguments urged.

William Jones, a British subject, as surviving partner of the mercantile house of Farrel and Jones, brought an action of debt, in the federal circuit court at Richmond, against Dr. Thomas Walker, of the county of Albemarle, in Virginia, on a bond which bore date before the revolutionary war; to wit: on the 11th of May, 1772. To this action the defendant pleaded five several pleas:

1. The first was the plea of payment generally, on which the plaintiff took issue; but it was not tried, the cause having gone off on the demurrers growing out of the subsequent pleadings.

2. In his second plea, the defendant relies on the act of

sequestration, passed by the legislature of Virginia during the revolutionary war, to wit, on the 26th of October, 1777, by which it was enacted that "it should be lawful for any citizen of this commonwealth, owing money to a subject of Great Britain, to pay the same or any part thereof, from time to time, as he should think fit, into the loan office of the state; taking thereout a certificate of the same in the name of the creditor, with an endorsement under the hand of the commissioner of the loan office, expressing the name of the payee, and delivering such certificate to the governor and council, *whose receipt should discharge him from so much of the debt.*" And the defendant exhibits the governor's receipt for 2151£. 18s. which he offers in bar to so much of the plaintiff's demand.

3. In his third plea he sets out the act of forfeiture, passed by the Assembly on the third of May, 1779, whereby it was, among other things, enacted, "that all the property, real and personal, within the commonwealth, belonging at that time to any British subject, should be deemed to be vested in the commonwealth;" as also the act of the 6th of May, 1782, whereby it was enacted, "that no demand whatsoever originally due to a subject of Great Britain, should be recoverable in any court of this commonwealth, although the same might be transferred to a citizen of this state, or to any other person capable of maintaining such action, unless the assignment had been or might be made for a valuable consideration *bona fide* paid before the first of May, 1777;" and the plea insists that the debt, in the declaration mentioned, was personal property of a British subject, forfeited to the commonwealth under the first-mentioned act, and a demand whose recovery in the courts of this commonwealth was barred by the last.

4. The fourth plea takes the ground that the King of Britain and his subjects were still alien enemies, and that the state of war still continued, on the ground of the several direct violations of the definitive treaty of peace, which follows: 1. In continuing to carry off the negroes in his

possession, the property of American citizens, and refusing to deliver them, or permit the owners to take them, according to the express stipulations of that treaty. 2. In the forcible detention of the forts Niagara and Detroit, and the adjacent territory; in supplying the Indians, who were at war with the United States, with arms and ammunition, furnished within the territories of the United States, to wit, at the forts Detroit and Niagara, and at other forts and stations forcibly held by the troops and armies of the King, within the United States, and the persons of American citizens made prisoners; which several infractions, the plea contends, had abolished the treaty of peace, and placed Great Britain and the United States in a state of war; and that hence the plaintiff, being an alien enemy, had no right to sue in the courts of the United States.

5. The fifth plea sets forth, that at the time of contracting the debt, in the declaration mentioned, the plaintiff and defendant were fellow-subjects of the same king and government; that on the fourth of July, 1776, the government of the British monarch in this country was dissolved, and the co-allegiance of the parties severed; whereby the plea contends that the debt in the declaration mentioned was annulled.

To the second plea the plaintiff replied, insisting on the treaty of peace of 1783, whereby it was stipulated that creditors on either side should meet with no lawful impediment to the recovery of the full value, in sterling money, of all *bona fide* debts theretofore contracted; and also on the constitution of the United States of 1787, by which it had been expressly declared that treaties which were then made, or which should *thereafter* be made, under the authority of the United States should be *the supreme law of the land*, anything in the constitution *or laws of any state to the contrary notwithstanding*.

The defendant rejoined that the treaty had been annulled by the infractions of it on the part of Great Britain, and so could not aid the cause of the plaintiff; and further, that the debt in the declaration mentioned was not *bona*

fide due, and owing to the plaintiff at the date of the treaty, insomuch as the same (or at least 2151£. 18s. of it) had been discharged by the payment set forth in the second plea; and hence, that it was not a subsisting debt, within the terms and provisions of the treaty.

To this rejoinder, as also to the third, fourth and fifth pleas of the defendant, the plaintiff demurred; and the cause came on to be argued, on these demurrers, at Richmond, on the 24th of November, 1791.

The Virginian reader will readily estimate the splendor and power of the discussion in this case, when he learns the names of the counsel engaged in it; on the part of the plaintiff there were Mr. Ronald, Mr. Baker, Mr. Wickham, and Mr. Starke, and on that of the defendant, Mr. Henry, Mr. Marshall (the present chief justice of the United States), Mr. Alexander Campbell, and Mr. Innes, the attorney-general of Virginia; I mention their names in the order in which they spoke on their respective sides.

The cause was opened with great fairness and ability, by Mr. Ronald and Mr. Baker, in succession; they were answered by all the counsel of the defendant; and Mr. Wickham, Mr. Starke, and Mr. Baker, were heard in reply.

The opening counsel made the following points:

First, That debts were not a subject of confiscation in war.

Secondly, That if they were, Virginia, at the time of passing the acts relied on by the defendant, was not a sovereign and independent state, Great Britain not having at that time assented to her independence; and hence, that she had not the power of legislating away the debts of fellow-subjects not represented in her legislative councils, which councils were themselves a usurpation in the eye of the law.

Thirdly, That if debts were subject to confiscation, and Virginia were competent to pass laws to that effect, she had not done so; and Mr. Baker particularly entered into a minute and ingenious scrutiny of the language of the several acts of assembly, to prove that so far from having been

forfeited, the debts were recognized as existing British debts down to the year 1782.

Fourthly, That if all these points were against the plaintiff, the right of recovering those debts was restored by the treaty of 1783, and the constitution of the United States, which recognized that treaty as the supreme law of the land; and,

Fifthly, That the alleged infractions of the treaty on the part of Great Britain did not produce the effect of abolishing the treaty; that this was a national concern, with which the individual plaintiff and defendant had nothing to do; that the question of infraction was one to be decided by the supreme power of the nation only, and one of which the court could not, with any propriety, take cognizance.

Mr. Baker closed his opening speech on Thursday evening, the 24th of November, and it was publicly understood that Mr. Henry was to commence his reply on the next day. The legislature was then in session; but when 11 o'clock, the hour for the meeting of the court, arrived, the speaker found himself without a house to do business. All his authority and that of his sergeant-at-arms were unavailing to keep the members in their seats: every consideration of public duty yielded to the anxiety which they felt, in common with the rest of their fellow-citizens, to hear this great man on this truly great and extensively interesting question. Accordingly, when the court was ready to proceed to business, the court-room of the capitol, large as it is, was insufficient to contain the vast concourse that was pressing to enter it. The portico and the area in which the statue of Washington stands were filled with a disappointed crowd, who, nevertheless, maintained their stand without. In the court-room itself, the judges, through condescension to public anxiety, relaxed the rigor of respect which they were in the habit of exacting, and

permitted the vacant seats of the bench and even the windows behind it, to be occupied by the impatient multitude. The noise and tumult, occasioned by seeking a more favorable station, were at length hushed, and the profound silence which reigned within the room gave notice to those without that the orator had risen, or was on the point of rising. Every eye in front of the bar was riveted upon him with the most eager attention; and so still and deep was the silence, that every one might hear the throbbing of his own heart. Mr. Henry, however, appeared wholly unconscious that all this preparation was on his account, and rose with as much simplicity and composure as if the occasion had been one of ordinary occurrence. Nothing can be more plain, modest, and unaffected than his exordium:

"I stand here, may it please your honors, to support, according to my power, that side of the question which respects the American debtor. I beg leave to beseech the patience of this honourable court; because the subject is very great and important, and because I have not only the greatness of the subject to consider, but those numerous observations which have come from the opposing counsel to answer. Thus, therefore, the matter proper for my discussion is unavoidably accumulated. Sir, there is a circumstance in this case that is more to be deplored than that which I have just mentioned, and that is this: those animosities which the injustice of the British nation hath produced, and which I had well hoped would never again be the subject of discussion, are necessarily brought forth. The conduct of that nation which bore so hard upon us in the late contest, becomes once more the subject of investigation. I know, sir, how well it becomes a liberal man and a Christian to forget and forgive. As individuals professing a holy religion, it is our bounden duty to forgive injuries done us as individuals. But when to the character of Christian you add the character of patriot, you are in a

different situation. Our mild and holy system of religion inculcates an admirable maxim of forbearance. If your enemy smite one cheek, turn the other to him. But you must stop there. You cannot apply this to your country. As members of a social community, this maxim does not apply to you. When you consider injuries done to your country your political duty tells you of vengeance. Forgive as a private man, but never forgive public injuries. Observations of this nature are exceedingly unpleasant, but it is my duty to use them."

With the same primeval simplicity, he enters upon the argument, not making a formal division of the whole subject, but merely announcing the single proposition which he was about to maintain for the time; thus, immediately after the exordium which has been quoted, he proceeds thus:

"The first point which I shall wish to establish will be that debts in common wars become subject to forfeiture; and if forfeited in common wars, much more so must they be in a revolutionary war as the late contest was. In considering this subject, it will be necessary to define what a debt is. I mean by it an engagement, or promise, by one man to pay another, for a valuable consideration, an adequate price. By a contract thus made, for a valuable consideration, there arises what, in the law phrase, is called a lien on the body and goods of the promissor or debtor. This interest, which the creditor becomes entitled to, in the goods and body of his debtor, is such as may be taken from the creditor, if he be found the subject of a hostile country. This position is supported by the following authorities."

He then cites and reads copious extracts form Grotius and Vattel, which seem to support his position decisively—and then proceeds thus:

"This authority decides in the most clear and satisfactory manner, that, as a nation, we had powers as extensive

and unlimited as any nation on earth. This great writer, after stating the equality and independence of nations, and who are, and who are not, enemies, does away with the distinction between corporeal and incorporeal rights, and declares that war gives the same right *over the debts* as over the other goods of an enemy. He illustrates his doctrine by the instance of Alexander's remitting to the Thessalians a debt due by them to the Theban commonwealth. This is a case in point—for, supposing the subjects of Alexander had been indebted to the Thebans, might he not have remitted the debts due by them to that people as well as the debts due them by his allies, the Thessalians? Let me not be told that he was entitled to the goods of the Thebans, because he had conquered them. If he could remit a debt due by those whose claim of friendship was so very inferior, those who were only attached to him by the feeble ties of contingent and temporary alliance—if his Macedonians, his immediate and natural subjects, were indebted to the Thebans, could he not have remitted *their* debts? This author states, in clear, unequivocal terms, by fair inference and unavoidable deduction, that when two nations are at war, either nation has a right, according to the law of nature and nations, to remit to its own citizens debts which they may owe to the enemy. If this point wanted further elucidation, it is pointedly proved by the authority which I first quoted from Grotius, that it is an inseparable concomitant of sovereign power, that debts and contracts similar to those which existed in America, at the time the war with Great Britain broke out, may in virtue of the eminent domain, or right, be cancelled and destroyed. '*A king has a greater right in the goods of his subjects, for the public advantage, than the proprietors themselves. And when the exigency of the state requires a supply, every man is more obliged to contribute toward it, than to satisfy his creditors.* The sovereign may discharge a debtor from *the obligation of paying, either for a certain time or for ever.*' What language can be more expressive than this? Can the mind of man conceive anything more comprehensive? Rights are of two sorts, private and inferi-

or, or eminent and superior, such as the community hold over the persons and estates of its members for the common benefit. The latter is paramount to the former. A king or chief of a nation has a greater right than the owner himself over any property in the nation. The individual who owns private property cannot dispose of it contrary to the will of his sovereign, to injure the public. This author is known to be no advocate for tyranny, yet he mentions that a king has a superior power over the property in his nation, and that by virtue thereof, he may discharge his subjects for ever from debts which they owe to an enemy.

"The instance which our author derives from the Roman history, affords a striking instance of the length to which the necessities and exigencies of a nation will warrant it to go. It was a juncture critical to the Roman affairs. But their situation was not more critical or dangerous than ours at the time those debts were confiscated. It was after the defeat and terrible slaughter at Cannæ, when the state was in the most imminent danger. Our situation in the late war was equally perilous. Every consideration must give way to the public safety. That admirable Roman maxim, *salus populi suprema lex*, governed that people in every emergency. It is a maxim that ought to govern every community. It was not peculiar to the Roman people. The impression came from the same source from which we derive our existence. Self-preservation, that great dictate implanted in us by nature, must regulate our conduct; we must have a power to act according to our necessities, and it remains for human judgment to decide what are the proper occasions for the exercise of this power. Call to your recollection our situation during the late arduous contest. Was it not necessary in our day of trial to go to the last iota of human right? The Romans fought for their altars and household gods. By these terms they meant everything dear and valuable to men. Was not our stake as important as theirs? But many other nations engage in the most bloody wars for the most trivial and frivolous causes. If other nations who carried

on war for a mere point of honour, or a punctilio of gallantry, were warranted in the exercise of this power, were not we, who fought for everything most inestimable and valuable to mankind, justified in using it? Our finances were in a more distressing situation than theirs at this awful period of our existence. Our war was in opposition to the most grievous oppression. We resisted, and our resistance was approved and blessed by Heaven. The most illustrious men who have considered human affairs, when they have involved human rights, and considered how far a nation is warranted to act in cases of emergency, declare that the only ingredient essential to the rectitude and validity of its measures is, that they be for the public good. I need hardly observe that the confiscation of these debts was for the public good. Those who decided it were constitutionally enabled to determine it. Grotius shows that you have not only power over the goods of your enemies, but according to the exigency of affairs, you may seize the property of your citizens."

After reading the apposite passage from Grotius, he says:

"I read these authorities to prove that the property of an enemy is liable to forfeiture, and that debts are as much the subject of hostile contest as tangible property. And Vattel, p. 484, as before mentioned, pointedly enumerates *rights* and *debts* among such property of the enemy as is liable to confiscation. To this last author I must frequently resort in the course of my argument. I put great confidence in him from the weight of his authority—for he is universally respected by all the wise and enlightened of mankind, being no less celebrated for his great judgment and knowledge, than for his universal philanthropy. One of his first principles of the law of nations is a perfect equality of rights among nations; that each nation ought to be left in the peaceful enjoyment of that liberty it has derived from nature. I refer your honors to his preliminary

discourse, from the 6th to the 12th page; and as it will greatly elucidate the subject, and tend to prove the position I have attempted to support, I will read sections 17, 18, 19, and 20 of this discourse."

Having read these sections, he touches transiently, but powerfully, the objection of the want of national independence to pass the laws of forfeiture, till that independence was assented to by the king of Great Britain.

"When the war commenced," said he, "these things called British debts, lost their quality of external obligation, and became matters of internal obligation, because the creditors had no right of constraint over the debtors. They were before the war, matters of perfect external obligation, accompanied by a right of constraint; but the war having taken away this right of constraint over the debtors, they were changed into an internal obligation, binding the conscience only. For it will not surely be denied that the creditor lost the right of constraint over his debtor.

"From the authority of this respectable author, therefore —from the clearest principles of the laws of nature and nations—these debts became subject to forfeiture or remission. Those authors state, in language as emphatic and nervous as the human mind can conceive, or the human tongue can utter, that independent nations have the power of confiscating the property of their enemies; and so had this gallant nation. America being a sovereign and complete nation, in all its forms and departments, possessed all the rights of the most powerful and ancient nations. Respecting the power of legislation, it was a nation complete, and without human control. Respecting public justice, it was a nation blessed by Heaven with the experience of past times; not like those nations whose crude systems of jurisprudence originated in the ages of barbarity and ignorance of human rights. America was a sovereign nation when her sons stepped forth to resist the unjust hand of oppression, and declared themselves independent. The consent of Great

Britain was not necessary (as the gentlemen on the other side urge) to create us a nation. Yes, sir, we were a nation long before the monarch of that little island in the Atlantic ocean gave his *puny* assent to it."

These words he accompanied by a most significant gesture—rising on tip-toe—pointing as to a vast distance, and half closing his eyelids, as if endeavoring, with extreme difficulty, to draw a sight on some object almost too small for vision—and blowing out the words, *puny* assent, with lips curled with unutterable contempt.

"America was long before that time a great and gallant nation. In the estimation of other nations we were so; the beneficent hand of Heaven enabled her to triumph, and secured to her the most sacred rights mortals can enjoy. When these illustrious authors, these friends to human nature, these kind instructors of human errors and frailties, contemplate the obligations and corresponding rights of nations, and define the internal right, which is without constraint and not binding, do they not understand such rights as these, which the British creditors now claim? Here this man tells us what conscience says ought to be done, and what is compulsory. These British debts must come within the grasp of human power like all other human things. They ceased to have that external quality, and fell into that mass of power which belonged to our legislature by the law of nations."

He comes now to a very serious obstacle, which it required both address and vigor to remove. Vattel, whom he had cited to support his position of the forfeitable character of debts, and who, so far as Mr. Henry had read him, does support him explicitly, annexes a qualification to the principle, which had been pressed with great power by the gentleman who opened the cause. The curiosity of the

reader will be gratified by seeing the manner in which he surmounted the objection.

"But we are told that, admitting this to be true in the fullest latitude, yet the customary law of Europe is against the exercise of this power of confiscation of debts; in support of which position, they rely on what is added by Vattel, p. 484. Let us examine what he says: 'The sovereign has naturally the same right over what his subjects may be indebted to enemies:—therefore he may confiscate debts of this nature, if the term of payment happen in the time of war, or at least he may prohibit his subjects from paying while the war lasts. *But at present, in regard to the advantage and safety of commerce, all the sovereigns of Europe have departed from this rigour. And as this custom has generally been received, he who should act contrary to it, would injure the public faith; for strangers trusted his subjects only, from a firm persuasion that the general custom would be observed.*' Excellent man! and excellent sentiments! The principle cannot be denied to be good, but when you apply it to the case before the court, does it warrant their conclusions? The author says, that although a nation has a right to confiscate debts due by its people to an enemy, yet, *at present the custom of Europe is contrary.* It is not enough for this author to tell us that this *custom* is contrary to the *right.* He admits the *right.* Let us see whether this custom has existence here. Vattel having spoken of the necessary law of nations, which is immutable, and the obligations whereof are indispensable, proceeds to distinguish the several other kinds of natural law in the same preliminary discourse, pp. 11 and 12, thus:

"'Certain maxims and customs consecrated by long use, and observed by nations, between each other, as a kind of law, form this *customary law of nations*, or the custom of nations. This law is founded on a tacit consent, or, if you will, on a tacit convention *of the nations that observe it with respect to each other.* Whence it appears, that *it is only binding to those nations that have*

adopted it, and that it is not universal, any more than *conventional laws*. It must be here also observed of this customary law, that the particulars relating to it do not belong to a systematic treatise on the law of nations, but that we ought to confine ourselves to the giving a general theory of it, that is, to the rules which here ought to be observed, as well with respect to its effects as in relation to the matter itself, and in this last respect, these rules will serve to distinguish the lawful and innocent customs, from those that are unjust and illegal.

"'When a custom is generally established, either between all the polite nations in the world, or only between those of a certain continent, as of Europe for example, or those who have a more frequent correspondence; if that custom is in its own nature indifferent, and much more, if it be a wise and useful one, it ought to be obligatory on *all those nations who are considered as having given their consent to it*. And *they* are bound to observe it, *with respect to each other*, while they have not expressly declared that they will not adhere to it. But if that custom contains anything unjust or illegal, it is of no force; and every nation is under an obligation to abandon it, nothing being able to oblige or permit a nation to violate a natural law.

"'These three kinds of the law of nations, *voluntary*, *conventional*, and *customary*, together compose the *positive law of nations*. For they all proceed from the volition of nations; the *voluntary law* from their presumed consent, the *conventional law* from an express consent; and the *customary law from a tacit consent*; and as there can be no other manner of deducing any law from the will of nations, there are only these three kinds of the *positive law of nations*.'

"This excellent author, after having stated the voluntary law of nations to be the result of the equality of nations, and the conventional law to be particular compacts or treaties, *binding only on the contracting parties*, declares, *that the customary law of nations is only binding to those nations that have adopted it*; that it is a *particular* and

not a *universal* law; that it applies *only* to distinct nations. The case of Alexander and the Thebans is founded on the *general* law of nations, applicable to nations at war. It is enough for me, then, to show that, America being at war, was entitled to the privilege of national law. But, says Vattel, the present state of European refinement controls the general law (of which he had before been speaking). We know that the customary law of nations can only bind *those who are parties to the custom.* In the year 1776, when America announced her will to be free, or in the year 1777, when the law concerning British debts passed, was there customary law *of America* to this effect? Or were the customary laws of *Europe* binding on *America?* Were we a party to any such customary law? Was there anything in our constitution or laws which tied up our hands? No, sir. To make this customary law obligatory, the assent of *all the parties to be bound by it is necessary. There must be an interchange of it.* It is not for *one* nation or community to say to *another* you are bound by this law, because *our kingdom* approves of it. It must not only be *reciprocal* in its *advantages* and *principles*, but it must have been *reciprocal in its exercise.* Virginia could not, therefore, have been bound by it. Let us see whether it could be a hard case on the British creditors, that this customary law of nations did not apply in their favour. Were these debts contracted *from a persuasion of its observance? Did the creditors trust to this customary law of nations?* No, sir. They trusted to what they thought as firm, the *statute* and *common law of England.* Victorious and successful as their nation had lately been, when they, in their pride and inconsiderate self-confidence, stretched out the hand of oppression, their subjects placed no reliance on the *customs of particular nations.* They put confidence in those barriers of right which were derived from their own nation. Their reliance was that the tribunals established in this country, under the same royal authority as in England, would do them justice. If we were not willing, they possessed the power of compelling us to

do them justice. The debts having, therefore, not been contracted *from any reliance on the customary law of nations*, were they contracted *from a regard to the rights of commerce?* From a view of promoting the commerce of *those little things called colonies?* This regard could not have been the ground they were contracted on, for their *conduct* evinced that *they wished to take the right of commerce from us.* What other ingredient remains to show the operation of this custom in their favour? The book speaks of strangers trusting subjects of a different nation, from a reliance on the observance of the customary law. The fact here was, that fellow-subjects trusted us, on the footing just stated; trusting to the existing compulsory process of law, not relying on a passive inert custom. A fearful, plodding, sagacious trader, would not rely on so flimsy, so uncertain a dependence. Something similar to what he thought positive satisfaction, he relied on. Were we not subject to the same king? The cases are then at variance. He states the custom to exist for the advantage of commerce, and that a departure from it would injure the public faith. Public faith is in this case out of the question. The public faith was not pledged—it could not therefore be injured. I have already read to your honours from the 11th page of the preliminary discourse of Vattel, *that the customary law of nations is only binding on those who have adopted it, and that it is not universal any more than conventional laws.* It is evident we could not be bound by any convention or treaty to which we ourselves were not a party; and from this authority it is equally obvious, that we could not be bound by any customary law, to which we were not parties.

"I think, therefore, with great submission to the court, that the right for which I contend, that is, in common wars between independent nations, either of the contending parties has a right to confiscate or remit debts due by its people to the enemy, is not shaken by the customary law of nations, as far as it regards us, because the custom could not affect us. But gentlemen say we were not completely independent until the year 1783. To take them on

their own ground, their arguments will fail them. There is a customary law which will operate pretty strongly on our side of the question. What were the inducements of the debtor? On what did the American debtor rely? Sir, he relied for protection on that system of common and statute law on which the creditors depended. Was he deceived in that reliance? That he was most miserably deceived, I believe will not admit of a doubt. The customary law of nations will only apply to distinct nations, mutually consenting thereto. When tyranny attempted to rivet her chains upon us, and we boldly broke them asunder, we were remitted to that amplitude of freedom which the beneficent hand of Nature gave us. We were not bound by fetters which are of benefit to one party, while they are destructive to the other. Would it be proper that we should be bound, and they unrestrained?"

As a still farther answer to the objection, and as giving the only rule of restraint in operating on the property of a belligerent, he cites the following principle from Vattel, and applies it to the actual state of America:

"Vattel, book the 3d, ch. 8, sect. 137, says, that 'the lawful end gives a true right only to those means *which are necessary for obtaining such end.* Whatever exceeds this, is censured by the laws of nature as faulty, and will be condemned at the tribunal of conscience. Hence it is, that the right to such or such acts of hostility varies according to their circumstances. What is just and perfectly innocent in a war, in one particular situation, is not always so in another. *Right goes hand in hand with necessity*, and the exigency of the case; but never exceeds it.' This, sir, is the first dictate of nature, and the practice of nations; and if your misfortunes and distresses should be sad and dreadful, you are let loose from those common restraints which may be proper on common occasions, in order to preserve the great rights of human nature.

"This is laid down by that great writer in clear and un-

equivocal terms. If then, sir, it be certain, from a recurrence to facts, that it was necessary for America to seize on British property, this book warrants the legislature of this state in passing those confiscating and prohibitory laws. I need only refer to your recollection for our pressing situation during the late contest; and happy am I, that this all-important question comes on, before the heads of those who were actors in the great scene are laid in the dust. An uninformed posterity would be unacquainted with the awful necessity which impelled us on. If the means were within reach, we were warranted by the laws of nature and nations to use them. The fact was, that we were attacked by one of the most formidable nations under heaven, a nation that carried terror and dread with its thunder to both hemispheres."

This illustration of the power of Great Britain was, if we may trust respectable tradition, much more expanded than we find it in the report; and such was the force of his imagination, and the irresistible energy of his delivery and action, that the audience now felt themselves instinctively recoiling from the tremendous power of that very nation, which but a short time before had been exhibited as a mere dot in the Atlantic, a point so microscopic as to be scarcely visible to the naked eye. He proceeds to close the first member of his first point thus:

"Our united property enabled us to look in the face that mighty people. Dared we to have gone in opposition to them bound hand and foot? Would we have dared to resist them fettered? for we should have been fettered, if we had been deprived of so considerable a part of our little stock of national resources. In that most critical and dangerous emergency, our all was but a little thing. Had we a treasury—an exchequer? Had we commerce? Had we any revenue? Had we anything from which a nation could draw wealth? No, sir, our credit became the

scorn of our foes. However, the efforts of certain patriotic characters (there were not a few of them, thank Heaven) gave us credit among our own people. But we had not a farthing to spare. We were obliged to go on a most grievous anticipation, the weight of which we feel at this day. Recur to our actual situation, and the means we had of defending ourselves. The actual situation of America is described here, where this author says, '*that right goes hand in hand with necessity.*' The necessity being great and dreadful, you are warranted to lay hold of every atom of money within your reach, especially if it be the money of your enemies. It is prudent and necessary to strengthen yourselves and weaken your enemies. Vattel, book 3d, ch. 8, sect. 138, says, 'The business of a just war being to suppress violence and injustice, it gives a right to compel, by force, him who is deaf to the voice of justice. It gives a right of doing against the enemy, whatever is necessary for weakening him—for disabling him from making any farther resistance in support of his injustice—and the most effectual, the most proper methods may be chosen, provided they have nothing odious, be not unlawful in themselves, or exploded by the law of nature.' Here let me pause for a moment, and ask, whether it be odious in itself, or exploded by the law of nature, to seize those debts?

"No—because the money was taken from the very offenders. We fought for the great, unalienable, hereditary rights of human nature. An unwarrantable attack was made upon us. An attack not only not congenial with motherly or parental tenderness, but incompatible with the principles of humanity or civilization. Our defence then was a necessary one. What says Vattel, book 3d., ch. 8, sec. 136? 'The end of a just war is to *revenge or prevent injury*, that is, to procure by force the justice which cannot otherwise be obtained; to compel an unjust person to repair an injury already done, or to give securities against any wrong threatened by him. On a declaration of war, therefore, this nation has a right of doing against the enemy whatever is necessary to this justifiable end of bringing

him to reason, and obtaining justice and security from him.' We have taken nothing in this necessary defence, but from the very offenders—those who unjustly attacked us; for we had a right of considering every individual of the British nation as an enemy. This I prove by the same great writer, p. 519, sec. 139, of the same book:—'An enemy attacking me unjustly gives an undoubted right of repelling his violences, and he who opposes me in arms, when I demand only my right, becomes himself the real aggressor by his unjust resistance. He is the first author of the violence, and obliges me to make use of force for securing myself against the wrongs intended me either in my person or possessions; for if the effects of this force proceed so far as to take away his life, he owes the misfortune to himself; for if, by sparing him, I should submit to the injury, the good would soon become the prey of the wicked. Hence the right of *killing* enemies in a just war is derived when their resistance cannot be suppressed—when they are not to be reduced by milder methods, *there is a right of taking away their life.* Under the *name of enemies*, as we have already shown, are comprehended not only the first author of the war, but likewise *all who join him and fight for his cause!*' Thus I think the first part of my position confirmed and unshaken; that in common wars a nation not restrained by the customary laws of nations, has a right to confiscate debts."

In the second member of that point he is released from the servility of quotation; and, to borrow a phrase of his own, "remitted to the amplitude" of his natural genius. The reader will therefore be entertained by a more copious extract.

"From this I will go on to the other branch of my position: that if, in common wars, debts be liable to forfeiture, *a fortiori* must they be so in a revolutionary war. Let me contrast the late war with wars in common. According to

those people called kings, wars in common are systematic, and produced for trifles; for not conforming to imaginary honours; because you have not lowered your flag before him at sea; or for a supposed affront to the person of an ambassador. Nations are set by the ears, and the most horrid devastations are brought on mankind, for the most frivolous causes. If, then, when small matters are in contest, debts be forfeitable, what must have accrued to *us*, as engaged in the late revolutionary war—a war commenced in attainder, perfidy, and confiscation? If we take with us this great principle of Vattel, that *right goes hand in hand with necessity*, and consider the peculiar situation of the American people, we will find reason more than sufficient to give us a right of confiscating those debts.

"The most striking peculiarity attended the American war. In the first of it, we were stripped of every municipal right. Rights and obligations are correspondent, coextensive, and inseparable—they must exist together or not at all. We were, therefore, when stripped of all our municipal rights, clear of every municipal obligation, burden, and onerous engagement. If then the obligation be gone, what is become of the correspondent right? 'They are mutually gone.'"

These little words, "they are mutually gone," which would have made no figure in the pronunciation of an ordinary speaker, are said to have formed a beautiful picture, as delivered by Mr. Henry: his eyes seemed to have pursued these associated objects to the extremest verge of mortal sight, while the fall of his voice, and correspondent fall of his extended hand, with the palm downward, depicted the idea of evanescence with indescribable force; the audience might imagine that they saw the objects at the very instant when they vanished in the distance, and became commingled with the air, and all this too, without any affected pause to give it effect; without

any apparent effort on his part; but with all the quickness of thought and all the ease of nature.

"The case of sovereign and independent nations at war is far different; because, their private right is respected, and domestic *asylum* held sacred. Was it the case in our war? No, sir. Daggers were planted in your chambers, and mischief, death, and destruction might meet you at your fireside.

"There is an essential variance between the late war and common wars. In common wars, children are not obliged to fight against their fathers, nor brothers against brothers, nor kindred against kindred. Our men were compelled, contrary to the most sacred ties of humanity, to shed the blood of their dearest connections. In common wars, contending parties respect municipal rights, and leave even to those they invade, the means of paying debts, and complying with obligations; they touch not private property. For example, when a British army lands in France, they plunder nothing; they pay for what they have, and respect the tribunals of justice, unless they have a mind to be called a savage nation. Were we thus treated? Were we permitted to exercise industry and collect debts, by which we might be enabled to pay British creditors? Had we a power to pursue commerce? No, sir. What became of our agriculture? Our inhabitants were mercilessly and brutally plundered, and our enemies professed to maintain their army by those means only. Our slaves carried away, our crops burnt, a cruel war carried on against our agriculture—disability to pay debts produced by pillage and devastation, contrary to every principle of national law. From that series of plenty in which we had been accustomed to live and revel, we were plunged into every species of human calamity. Our lives attacked—charge of rebels fixed upon us—confiscation and attainder denounced against the whole continent; and he that was called the king of England sat judge upon our case—he pronounced his judgment, not like those to whom poetic fancy has given exist-

ence—not like him who sits in the infernal regions, and dooms to the Stygian lake those spirits who deserve it, because *he* spares the innocent, and sends some to the fields of Elysium—not like *him* who sat in ancient imperial Rome, and wished the people had but one neck, that he might at one blow strike off their heads, and spare himself the trouble of carnage and massacre, because *one city* would have satisfied his vengeance—not like any of his fellow-men, for nothing would satiate his sanguinary ferocity, but the indiscriminate destruction of a whole continent—involving the innocent with the guilty. Yes, *he* sat in judgmen with his coadjutors, and pronounced proscription, attainder, and forfeiture, against men, women, and even children at the breast. Is not this description pointedly true in all its parts? And *who* were his coadjutors and executioners in this strange court of judicature? Like the fiends of poetic imagination—*Hessians*, *Indians*, and *Negroes* were his coadjutors and executioners. Is there anything in this sad detail of offences which is unfounded? anything not enforced by act of parliament against America? We were thereby driven out of their protection, and branded by the epithet *rebels*. The term *rebel* may not now appear in all its train of horrid consequences. We know hat when a person is called *rebel* by that government, his goods and life are forfeited, and his very blood pronounced to be corrupted, and the severity of the punishment entailed on his posterity. To whom may we apply for the verity of this? The jurisprudence and history of that nation prove, that when they speak of rebels, nothing but blood will satisfy them. Is there nothing hideous in this part of the portrait? It is unparalleled in the annals of mankind. Though I have respect for individuals of that nation, my duty constrains me to speak thus.

"When we contemplate this mode of warfare, and the sentiments of the writers on natural law on this subject, we are justified in saying, that in this revolutionary war we had a right to consider British debts as subject to confiscation—and to seize the property of those who originated that

war. As to the injuries done to agriculture, they appear in a diminutive view, when compared to the injuries and indignities offered to persons, and mansions of abode. Sir, from your seat you might have seen instances of the most grievous hostility; not only private property wantonly pillaged, but men, women, and children, dragged publicly from their habitations, and indiscriminately devoted to destruction. The rights of humanity were sacrificed. We were then deprived not only of the benefits of municipal, but natural, law. If there shall grow out of these considerations a palpable disability to pay those debts, I ask if the claim be just? For that disability was produced by those excesses—by those very men who come on us now for payment. Here give me leave to say, that they sold us a bad title in whatever they sold us—in real as well as in personal property. Describe the nature of a debt; it is an engagement or promise to pay—but it must be for a valuable consideration. If this be clear, was not the title, to whatever property they sold us, bad in every sense of the word, when the war followed? What can add value to property? Force. Notwithstanding the equity and fairness of the debt when incurred, if the security for the property received was afterwards destroyed, the title has proved defective. Suppose millions were contracted for and received, those millions give you no advantage, without force to protect them. This necessary protection is withdrawn by the very men who were bound to afford it, and who now demand payment. Neither lands, slaves, nor other property, are worth a shilling without protecting force. This title was destroyed, when the act of parliament, putting us out of their protection, passed against America. I say, sir, the title was destroyed by the very offenders who come here now and demand payment. Justice and equity cancel the obligation as to the price that was to be given for it, because the tenure is destroyed, and the effects purchased have no value. Such a claim is unsupported by the plainest notions of right and wrong. For this long catalogue of offences committed against the citizens of America, every individual

of the British nation is accountable. How are you to be compensated for those depredations on persons and property? Are you to go to the kingdom of England, to find the very individual who did you the outrage, and demand satisfaction of him? To tell you of such a remedy as this, is adding insult to injury. Every individual is chargeable with national offences."

To maintain this last position, he cites an authority directly in point, from Vattel, and proceeds thus:—

"These observations from Vattel amount to this: that a king or conductor of a nation is considered as a moral person, by means of whom the nation acquires or loses its rights, and subjects itself to penalties. The individuals, and the nation which they compose, are one. I will therefore take it for granted, that whatever violences and excesses were committed on this continent are chargeable to the plaintiff in this very action. Recollect our distressed situation. We had no exchequer, no finances, no army, no navy, no common means of defence. Our necessity—dire necessity—compelled us to throw aside those rules which respect private property, and to make impresses on our own citizens to support the war. Right and necessity being co-extensive, we were compelled to exert a right the most eminent over the whole community. The *salus populi* demanded what we did. If we had a right to disregard the legal fences thrown round the property of our own citizens, had we not a greater right to take British property?

"Another peculiarity contributes to aid our defence. The want of an exchequer obliged us to emit paper money, and compel our citizens to receive it for gold. In the ears of some men this sounds harshly. But they are young men, who do not know and feel the irresistible necessity that urged us. Would your armies have been raised, clothed, maintained, or kept together without paper money? Without it, the war would have stood still, resistance to tyranny would have stopped, and despotism, with all its hor-

rid train of appurtenances, must have depressed our country. We compelled the people to receive it in payment of all debts—we induced and invited them (if we did not compel them) to put it into the treasury, as a complete discharge from their debts. Sir, I trust I shall not live to see the day when the public councils of America will give ground to say that this was a state trick, contrived to delude and defraud the citizens. What must it be ostensibly when, by the compact of your nation, they had publicly bound and pledged themselves that it was and should be money, if afterward, and in the course of human events, when temptations present themselves, they shall declare that it is not money? Sir, the honest planter is unskilled in political tricks and deceptions. His interest ought never to be sacrificed. The law is his guide. The law compelled him to receive it, and his countrymen would have branded him as an enemy if he had refused it. The laws of the country are as sacred as the imaginary sanctity of British debts. Sir, national engagements ought to be held sacred; the public violation of this solemn engagement will destroy all confidence in the Government. If you depart from the national compact one iota, you give a dangerous precedent, which may imperceptibly and gradually introduce the most destructive encroachments on human rights."

He then proceeds to notice more directly the objection, that we were not a people competent for legislation till the assent of the British king was given to our independence.

"I will beg leave here to dissent from the position of the gentlemen on the other side, which denied that we were a people till our enemies were pleased to say we were so. That we were a people, and had a right to do everything which a great and a royal—nay, an imperial—people could do, is clear and indisputable. Though under the humble appearance of republicanism, our government and national existence, when examined, are as solid as a rock—

not resting on the mere fraud and oppression of rulers, nor the credulity, nor barbarous ignorance of the people; but founded on the consent and conviction of enlightened human nature. That we had every right that completely independent nations can have, will be satisfactorily proved to your honors by again referring to Vattel."

He then cites and reads a passage from Vattel, the effect of which is, that during a civil war the parties, acknowledging no common judge on earth, are to be considered as two distinct people; and to govern themselves in the conduct of the war by the general laws of nations. After which he proceeds thus:

"Here then, sir, is proof abundant, that before the acknowledgment of American independence by *Great Britain* we had a right to be considered as a nation; because, on earth we had no common superior to give a decision of the dispute between us and our sovereign. After declaring ourselves a sovereign people, we had every right a nation can claim as an independent community. But the gentlemen on the other side greatly rely upon this principle, that a contract cannot be dissolved without the consent of all the contracting parties: the inference is, that the consent of the king of Great Britain was necessary to the dissolution of the government. Tyranny has too often, and too successfully, riveted its chains, to warrant a belief that a tyrant will ever voluntarily release his subjects from the governmental compact. Rather might it be expected, that the last iota of human misery would be borne, and the oppression would descend from father to son to the latest period of earthly existence. The despotism of our sovereign ought to be considered as an implied consent on his part to dissolve the compact between us; and he and his subjects must be considered as one—there can be no distinction. For, in any other view, his consent could not have been obtained without force. There is such a thing, indeed, as

tyranny from free choice. Sweden not long ago surrendered its liberties in one day, as Denmark had done formerly; so that this branch of the human family is cut off from every possible enjoyment of human rights. But the right to resist oppression is not denied. The gentlemen's doctrine cannot therefore apply to national communities. If any additional force was wanting to confirm what I advance, it would be derived from the treaty of peace, which further proves that we were entitled to all the privileges of independent nations. The consent of all the people of Europe said we were free. Our former master withheld his consent till *a few unlucky events* compelled him. And when he gave his *fiat*, it gave us *by relation, back to the time of the declaration of independence*, all the rights and privileges of a completely sovereign nation; our independence was acknowledged by him, previous to the completion of the treaty of peace. It was not a condition of the treaty, but was acknowledged by his own overture, preparatory to it. View the consequences of their fatal doctrine. There would not only have been long arrears of debts to pay, but a long catalogue of crime to be punished. If the ultimate acknowledgment of our independence by Great Britain had not relation back to the time of the declaration of independence, all the intermediate acts of legislation would be void—and every decision and act consequent thereon would be null. But, sir, we were a complete nation on every principle, according to the authorities I have already read; in addition to which I will refer your honours to Vattel, book iv., ch. vii., sect. 88, to show we were entitled to the benefits of national law, and to use all the resources of the community: 'From the equality of all nations really sovereign and independent, it is a principle of the voluntary law of nations, that no nation can control another in its internal municipal legislation.' If we consider the business of confiscation according to the immemorial usages of Great Britain, we will find that the law and practice of that country support my position. In the wars of the revolutions which have taken place in that island, life,

fortune, goods, debts, and everything else were confiscated. The *crimen læsæ majestatis*, as it is called, involved everything. Every possible punishment has been inflicted on suffering humanity that it could endure, by the party which had the superiority in those wars, over the defeated party which was charged with rebellion.

"What would have been the consequences, sir, if we had been conquered? Were we not fighting against that majesty? Would the justice of our opposition have been considered? The most horrid forfeitures, confiscations, and attainders would have been pronounced against us. Consider their history from the time of William the First till this day. Were not his *Normans* gratified with the confiscation of the richest estates in England? Read the excessive cruelties, attainders, and confiscations of that reign. England depopulated—its inhabitants stripped of the dearest privileges of humanity—degraded with the most ignominious badges of bondage—and totally deprived of the power of resistance to usurpation and tyranny. This inability continued to the time of Henry the Eighth. In his reign, the business of confiscation and attainder made considerable havoc. After his reign, some stop was put to that effusion of blood which preceded and happened under it. Recollect the sad and lamentable effects of the York and Lancastrian wars. Remember the rancorous hatred and inveterate detestations of contending factions—the distinction of the white and red roses. To come a little lower—what happened in that island in the rebellions of 1715 and 1745? If we had been conquered, would not our men have shared the fate of the people of *Ireland?* A great part of that island was confiscated, though the *Irish* people thought themselves engaged in a laudable cause. What confiscations and punishments were inflicted in Scotland? The plains of *Culloden*, and the neighbouring gibbets, would show you. I thank Heaven that the spirit of liberty, under the protection of the Almighty, saved us from experiencing so hard a destiny. But had we been subdued, would not every right have been wrested from us?

What right would have been saved? Would debts have been saved? Would it not be absurd to save debts, while they should burn, hang, and destroy? Before we can decide with precision, we are to consider the dangers we should have been exposed to, had we been subdued. After presenting to your view this true picture of what would have been our situation, had we been subjugated—surely a correspondent right will be found, growing out of the law of nations, in our favor. Had our subjugation been effected, and we pleaded for pardon—represented that we defended the most valuable rights of human nature, and thought they were wrong—would our petition have availed? I feel myself impelled, from what has passed, to ask this question. I would not wish to have lived to see the sad scenes we should have experienced. Needy avarice, and savage cruelty, would have had full scope. Hungry *Germans*, blood-thirsty *Indians*, and a nation of another color, would have been let loose upon us. The sad effects of such warfare have had their full influence on a number of our fellow-citizens. Sir, if you had seen the sad scenes which I have known; if you had seen the simple but tranquil felicity of helpless and unoffending women and children, in little log-huts on the frontiers, disturbed and destroyed by the sad effects of British warfare and Indian butchery, *your soul would have been struck with horror!* Even those helpless women and children were the objects of the most shocking barbarity.

"Give me leave again to recur to Vattel, p. 9: 'Nations being free, independent, and equal, and having a right to judge according to the dictates of conscience, of what is to be done in order so fulfil its duties; the effect of all this is, the producing, at least externally and among men, a perfect equality of rights between nations, in the administration of their affairs, and the pursuit of their pretensions without regard to the intrinsic justice of their conduct, of which others have no right to form a definitive judgment: so that what is permitted in one, is also permitted in the other; and they ought to be considered in human society

as having an equal right.' If it be allowed to the British nation to put to death, to forfeit and confiscate debts, and everything else, may we not (having an equal right) confiscate—not life—for we never desire it—but that which is the common object of confiscation—*property*, *goods*, and *debts*, which strengthen ourselves and weaken our enemies? I trust that this short recapitulation of events shows, that if there ever was in the history of man a case requiring the full use of all human means, it was our case in the late contest; and we were, therefore, warranted to confiscate the British debts."

He now takes another ground to establish the confiscation. I shall give his whole argument on this point, in his own words:

"I beg leave to add that these debts are lost on another principle. By the dissolution of the British government America went into a state of nature; on the dissolution of that of which we had been members, there being no government antecedent, we went necessarily into a state of nature. To prove this I need only refer to the declaration of independence, pronounced on the fourth day of July, 1776, and our state constitution."

Here Mr. Henry read part of the Constitution.

"It recites many instances of *misrule* by the king of England; it asserts the right and expediency of dissolving the British government, and going into a state of nature; or, in other words, to establish a new government. The right of dissolving it, and forming a new system, had preceded the fourth day of July, 1776. A recapitulation of the events, of the tyrannical acts of government would demonstrate a right to dissolve it. But I may go farther, and even say, that the act of parliament which declared us out of the king's protection, dissolved it. For what is government? It is an express or implied compact between the

rulers and ruled, stipulating reciprocal protection and obedience. That protection was withdrawn, solemnly withdrawn from us. Of consequence, obedience ceased to be due. Our municipal rights were taken away by one blow. Municipal obligations and government were also taken away by the same blow. Well, then, there being no antecedent government, we returned into a state of nature. Unless we did so, our new compact of government could only be a usurpation. In a state of nature there is no legal *lien* on the person or property of any one. If you are not clear of every antecedent engagement, what is the legality or strength of the present constitution of government? If any antecedent engagements are to bind, how far are they to reach? You had no right to form a new government if the old system existed; and if it did not exist, you were necessarily and inevitably in a state of nature. In my humble opinion, by giving validity to such claims, you destroy the very idea of the right to form a new government. Vattel calls government the totality of persons, estates, and effects formed by every individual of the new society, and that totality represented by the governing power. How can the totality exist while an antecedent right exists elsewhere? See Grotius, p. 4, which I have already read, and note 29: because the design and good of civil society necessarily require that the natural and acquired rights of each member should admit of limitations several ways, and to a certain degree, by the authority of him or them, in whose hands the sovereign authority is lodged. When we formed a new government, did there exist any authority that limited our rights? How can the totality exist, if any other person or persons have an existing claim upon you? It appears to me that that equality which is involved in a state of nature cannot exist while such claim exists. The court will recollect what I have already read out of Vattel, in the sections 15 and 18. The equality here ascribed to independent nations is equally ascribed to men in a state of nature. A moral society of persons cannot exist without this absolute equality. The existence of individuals in a

state of nature depends in like manner upon, and is inseparable from such equality.

"Rights, as before mentioned, Vattel, pp. 8 and 9, are divided into *internal* and *external*. Of *external* rights, he makes the distinction of perfect and imperfect. I beseech your honours to fix this distinction in your minds. The *perfect external* right only is accompanied with the right of constraint. The imperfect right loses that quality, and leaves it to the party to comply or not to comply with it. When the former government was dissolved the American people became indebted to nobody. You either owe everything or nothing—and every contract and engagement must be done away, if any. In a state of nature you are free and equal. But how are you free if another have a lien on your body? Where is your freedom or equality with that person who has the right of constraining you? This right of constraint implies a complete authority over you, but not however to enslave you. This constraint is always adequate to the right or obligation. Where can you find the possibility of this equality which nature gives her sons, if we admit an existing right of constraint? If it be a fact, that on the dissolution of the government we did enter into a state of nature (and that we did, I humbly judge, cannot be denied, as at that time no government existed at all), it destroys all claim to one farthing. This will be found to be true, as well upon the grounds of equity and good conscience as in law, when it is considered that when we went into a state of nature the means of paying debts were taken away from us by them; because, so far as they had power over us, they prevented us from getting money to pay debts. They interdicted us from the pursuit of profitable commerce; from getting gold and silver, the only things they would take—they unjustly drove us to this extremity. By the concession of the worthy gentlemen, their attack upon us was unjust.

"But, then, debts are not subject to confiscation, say gentlemen, because there were no inquests, no office found for the commonwealth. Has a debt an ear-mark? Is it tangi-

ble or visible? Has it any discriminating quality? Unless tangible or visible, how is it to be ascertained or distinguished? What does an inquest mean? A solemn inquiry by a jury, by ocular examination with other proofs. If an inquest of office were to be had of land, a jury could tell the lines and boundaries of it, because they may be distinguished from others, and its identity may be thereby ascertained. If a horse be the object of inquiry, he can easily be distinguished from any other horse. In like manner every other article of visible property may be subject to inquests; but such a thing as an inquest of a debt never existed, as far as my legal knowledge extends. What are to be the consequences if this proceeding be requisite? You must set up a court of inquisition, summon the whole nation, and ask every man, *how much do you owe?* This would be productive of endless confusion, perplexity, and expense, without the desired effect. The laws of wars and nations require no more than that the sovereign power should openly signify its will that the debts be forfeited. There is no particular forensic form necessary. The question here is not whether this confiscation be traversed in all the forms of municipal regulations. There is a question between Great Britain and America similar to that between Alexander and the Thebans. *Has the sovereign signified his pleasure that debts be remitted?* A sign is completely sufficient if it be understood by the people. There is a necessity of thus speaking the legislative will, that the other party may know it, and retaliate; for what is allowed to one, is to both parties. This was different from the nature of a solemn war. War is lawful or unlawful according to the manner of conducting it. In the prosecution of a lawful solemn war, it is necessary that you do not depart from certain rules of moderation, honour, and humanity, but act according to the usual practice of belligerent powers. Did the mother country conduct the war against us in this manner? We did openly say, we mean to confiscate your debts, and modify them, because they have lost their perfect external quality—they are imperfect—we claim that right as a sov-

ereign people, over that species of your property. Sir, it was not done in a corner. It was understood by our enemies. They had a right to retaliate on any species of our property they could find. The right of retaliation or just retortion for equivalent damage on any part of an enemy's property, is permitted to every nation. What right has the British nation (for if the nation have not the right, none of its people have) to demand a breach of faith in the American government to its citizens? I have already mentioned the engagement of the government with its citizens respecting the paper money. *If you take it, it shall be money.* Shall it be judged now not to be money? Shall this compact be broken for the sake of the British nation? No, sir, the language of national law is otherwise. Sir, the laws of confiscation and paper money made together one system, connected and sanctioned by the legislature, on which once depended the fate of our country, and on which depend now the happiness, the ease, and comfort of thousands of your fellow-citizens. Will it not be a breach of the compact with your people, to say that the money is not to keep up its original standard in the quality given it by law? What were the effects of this system? What would have been the effects, had your citizens been apprized that British debts must be paid? Would they have taken the money? Would they have deposited the money in the loan-office, if they had been warned by law that they must deposit it, subject to the future regulations of peace; that it should not release them from the creditors? However right it may appear now to decry the paper money, it would have been fatal then, for America might have perished without the aid and effect of that medium. Your citizens, trusting to this compact, submitted to a number of things almost intolerable—impressments and violences on their property—it encouraged them to exert themselves in defence of their property against the enemy during the war. If the debt in the declaration mentioned be recovered, the compact is subverted as respecting the paper money. And this subversion is to take effect for the interest of

those men whom, by all laws human and divine, we were obliged to consider as enemies; men who were obliged to comply with the regulations and requisitions of their king; and our people will have been labouring not for themselves, but for the benefit of the British subject.

"When a vessel is in danger in a storm, those who abide on board of her, and encounter the dangers of the sea to save her, are allowed some little compensation for salvage, for their fidelity and gallantry in endeavouring to prevent her loss; while those who abandon her are entitled to nothing. But, in opposition to this wise and politic principle, we who have withstood the storms and dangers, receive no compensation; but those who left the political ship, and joined those on the other side of the *water* who wished to sink her, and who caused her to fight eight long years for her preservation, shall come in at last and get their full share of this vessel, and yet will have been exonerated from every charge. For whom, then, were the people of America engaged in war? Not for themselves, I am sure—the property that they saved will not be for themselves, but for those whom they had a right to call enemies. I am not willing to ascribe to the meanest American, the love of money or desire of eluding the payment of his debts, as the motive of engaging in the war. No, sir. He had nobler and better views. But he thinks himself well entitled to those debts, from the laws and usages of nations, as a compensation for the injuries he has sustained. There is a sad drawback on this property saved. A national debt for seventeen years, considerable taxes, which were profusely laid during the war on lands and slaves; and, since the peace, we have been loaded with a heavy taxation. I know that I advocate this cause on a very advantageous ground, when I speak of the right of salvage. The cargo on board the wrecked vessel belongs to the British, it will have been saved for them! but the salvage is due to us only. If you take it on the ground of interest—you may hold as a pledge—you may retain salvage. If you take it on the scale of the common law, or of national law—you

may oppose damages to debts—retain the debts, to retribute and compensate for the injuries they have done you. I have now got over and trust established the first point; that is, that debts in common wars are subject to forfeiture, and much more so in a revolutionary war like the American war."

Having established his first position, he presents his next point thus:

"My next point is, that the British debts being so forfeited (as I conceive), can only be revived by the treaty; and unless they be so revived, they are gone for ever. I will then consider how this matter stands under the treaty."

He proceeds then to show, by authority, the rules by which treaties are to be construed, and demonstrates that a treaty can confer no benefit unless it be mutually observed with good faith; that perfidy, on either side, is a forfeiture of all its advantages: that the stipulations of a treaty are in the nature of conditions precedent; that a breach on either side dissolves the covenant altogether, and places the parties on the general ground which they occupied before the treaty; that Great Britain had violated the treaty, in the moment of its ratification, by carrying off our slaves, and detaining with an armed force those posts of which she had stipulated the immediate surrender; that the pretence of her having acted thus as a retaliatory measure for the non-payment of debts, was an insult to common understanding, because she began her infractions before any experiment had been made of a recovery of the debts; that the notion of a reprisal, preceding any injury—and a retaliation *in advance*, of any wrong on the opposite side, was so far from mitigating her offence, that it was a daring insult on the honor and good faith of this nation! Hav-

ing, by a series of authorities directly in point, established the right of the American nation to regard the treaty as abolished by any perfidious infraction of it, on the part of Great Britain, he shows next, that those infractions were established by the pleadings in the cause; because the defendant by his several pleas had specified those infractions, and the plaintiff, by demurring to the pleas, had admitted the truth of their averments.

Great Britain, then, *as a nation*, having by her own perfidy forfeited all right to insist upon the treaty, and that treaty, as *between the nations*, being annulled, the next question was, whether any individual of the British nation could claim any advantage under the treaty? This he shows could not be done, because in making the treaty the sovereigns of the two nations acted for all the individuals of their respective nations; the individuals were bound by all the acts of those sovereigns, whether in making or abolishing a treaty.

"Here," said he, "are two moral persons, Great Britain and America, making a contract. The plaintiff claims and the defendant defends *under and through them;* and if either nation or moral person has no right to benefits from such contract, individuals *claiming under them* can have none. The plaintiff then *claims under his nation*, but if that nation have committed perfidy respecting the observance of the compact, no right can be carried therefrom to the plaintiff. It puts him back in the same situation he was in before the treaty."

He shows the absurdity of considering the treaty as annulled in relation to all the individuals, in their collective character of a nation, and yet as in full force for the benefit of *each* individual separately; for if this plaintiff had a right to all the beneficial effects of the treaty, every man in

England had the same right, and he cites and reads from Vattel, a conclusive authority, to show that the conventional law of nations could take its effect only from universal right, extending equally to all the citizens or individuals of a nation. But to say that America had a right to consider the treaty as void against all the individuals of the British nation, *collectively*, while each and every individual of that nation, separately, could enforce it upon her, was to offer to the understanding a paradoxical absurdity, as insulting to common sense as the conduct of Great Britain had been to the honor of the American nation.

He contended further on this point, that if the treaty had been observed by Great Britain, and were of consequence still obligatory, it did not and could not operate where moneys had been actually paid into the treasury under the laws of the State; for the provision of the treaty is, "that creditors on either side should meet with no lawful impediment to the recovery of all *bona fide debts* heretofore contracted." The defendant, said he, having paid the money into the treasury according to the act of the Assembly, and the truth of the payment being admitted in the record, this article of the treaty could not support the plaintiff's claim.

"To derive a benefit from the treaty, the plaintiff must demand a *bona fide* debt; that is, a debt *bona fide* due. The word *debt* implies that the thing is due; for if it be not *due*, how can it be a *debt?* To give to these words, *all debts heretofore contracted*, a strict literal sense, would be to authorize a renewed demand for debts which had been actually paid off to the creditor; for these were certainly within *the words* of the treaty, being *debts heretofore* contracted. To avoid this absurd and dishonest consequence you must look at the intention of the thing; and the intention certainly was to embrace those cases

where there had not been a *legal payment.* I ask," said he, "why a payment made in gold and silver is a *legal payment?* Because the coin of those metals is made current by the laws of this country. If paper be made current by the same authority, why should not a payment in it be equally valid? The British subject cannot demand payment, because I confront his demand with a receipt. Why will a receipt discharge in any instance? Because it is founded on the laws of the country. A receipt given in consequence of a payment in coin, is a legal discharge, *only because the laws of the country make it so.* I ask, then, why a receipt, given in consequence of a payment into the treasury, be not of equal validity, since it has precisely the same foundation? It is expressly constituted a *discharge* by a legislature having competent authority. This debt, therefore, having been *legally* paid by the contractor, was not *due* from him at the time of making the treaty, and, therefore, is not within the intention of that instrument. But, say the gentlemen on the other side, the one payment has the consent of the creditor, and the other has not; he who paid coin has the creditor's consent to the discharge, but he who paid money into the treasury wants it. Have we not satisfied this honorable court, that the governing power had a right to put itself in the place of the British subjects? Having had an unquestionable right to confiscate, sequester, or modify those debts as they pleased, they had an equally indubitable right to substitute themselves in the stead of the plaintiff; otherwise those authorities have been quoted in vain."

He then cites authorities to prove that the law of the place governs the contract; and concludes that the payment into the treasury having, in this instance, been made in consequence of a law of this commonwealth, which was strictly consonant with the laws of nations, and which had declared that such payment *should operate as a complete and final discharge*, this was not a subsisting *debt* within the con-

templation of the treaty, and remained, therefore, wholly unaffected by it.

" The next question was whether *this court* could take notice of this infraction of the treaty on the part of Great Britain, and found their judgment upon it. On this question he observes that the court were not called upon to step out of their appropriate sphere in order to invade the province of the jury by trying facts. The facts were all agreed by the pleadings; the court were merely called upon to say what was the law arising on those facts. The existence or non-existence of the treaty was a legal inference from the facts agreed; which the court alone were competent to decide. The plaintiff himself had forced this question on the court by relying in his replication on the treaty, as restoring his right to recover this debt. He sets up his right under this instrument expressly, and then questions the jurisdiction of the court to decide upon the instrument! The treaty, *quoad hoc*, is the covenant of the parties in this suit; the question presented by the pleadings is, whether the plaintiff, who, by that covenant, has taken upon himself the performance of a precedent condition, can claim any benefit under it until he shall show that this precedent condition has been performed. On this question, said he, the gentlemen's argument is, that the court have no power to decide on the construction of the covenant, which he himself has brought before them; that they have nothing to do with the dependence or independence of the stipulations, or the reciprocal rights of the parties to claims under the covenant, without showing a previous performance on their respective parts. *He*, on the contrary, insisted that, under the constitution of the United States, the question belonged *peculiarly and exclusively* to the judicial department; that by the constitution it was expressly provided, that the judicial power should extend *to all cases arising under treaties;* that the law of treaties embraced the whole extent of natural and national law; that the constitution, therefore, by referring all cases arising under treaties to

the judiciary, had of necessity invested them with the power of appealing to that code of laws by which alone the construction, the operation, the efficacy, the legal existence or non-existence of treaties must be tested; and by this code they were told in the most emphatic terms, that he who violates one article of a treaty, releases the other party from the performance of any part of it; that the reference of all cases arising under treaties, to the judicial department, carried with it every power, near or remote, direct or collateral, which was essential to a fair and just decision of those cases; that in every such case the very first question was, *is* there a treaty or not? Not whether there *has* been a treaty, but whether there *is* an *existing, obligatory, operative treaty*. To decide this question the court must bring the facts to the standard of the law of nations; and by this standard it had been shown, that in the case at bar there existed no treaty from which a British subject could claim any benefit. That if the judicial department had not the power of deciding this question, there was no department in the American government which did possess it; the state governments have nothing to do with it—congress cannot touch the subject; they may indeed declare war for a violation, but a nation was not to be forced to this extremity on every occasion; there were other modes of redress, short of a declaration of war, to which nations had a right to resort; and one of them, as he had shown, was the power of withholding from the perfidious violator of a treaty those benefits which he claimed under it. Now, congress could not by a law declare a treaty void—it is not among those grants of power which the constitution makes to them; they cannot therefore meddle with the subject in any other way than by a declaration of war; neither can the president and the senate touch it. They can *make* treaties; but the constitution gives them no power to *expound* a treaty; much less to *declare* it *void;* they can only unite with the house of representatives in punishing an infraction by a declaration of war. To the judiciary alone, then, belongs this specific power of withholding legal

benefits, claimed under a treaty, because of the *mala fides* of the party claiming them. Now, what will be the situa tion of this country, compared with that of Great Britain, if you deny this power to the judiciary? If you have not observed the treaty with good faith, and go to England, claiming any benefit under the treaty, there is a power there, called royal prerogative, which will tell you—no—go home and act honestly, and you shall have your rights under the treaty. Your breach of faith will not drive *them* to a declaration of war—there is a power there which obtains redress by withholding your rights until you act with good faith; but where is the reciprocal and corresponding power in our government, if it be not in the judiciary? It is nowhere—we have no redress short of a declaration of war. Is this one of the precious fruits of the adoption of the federal constitution, to bind us hand and foot with the fetters of technicality, and leave us no way of bursting them asunder but by a declaration of war, and the effusion of human blood? It was never intended. The wisdom and virtue which framed the constitution could never have intended to place the country in this humiliating and awful predicament. Give to this power of deciding on treaties, which is delegated to the federal judiciary, a liberal construction—give them all the incidental powers necessary to carry it into effect—open to them the whole region of natural and national law, which furnishes the only rule of expounding those national compacts called treaties, and your government is unmutilated, its measure of power is full up to the exigencies of the nation, and you treat on equal terms; but upon the opposite construction, much better would it be that America should have no treaties at all, than that, having them, she should want those means of enforcement and redress which all other nations possess."

Having thus established that debts are subject to con fiscation in common wars, and much more so in the war of the revolution—that Virginia was an independent nation,

and, as such, competent to the exercise of this right of eminent domain—of taking to herself the debts of her enemies—that she had in fact exercised this right, and that this debt had, under one of her laws of that character, been legally discharged—that the treaty had no effect in reviving the claim, because the treaty had been annulled by the infractions of it on the part of Great Britain—and because if it had not, this was not a subsisting debt within the purview of the treaty—and, finally, that the court's jurisdiction extended to every question touching the consequence or annulment of treaties; he said he had now finished his own view of the subject, and should have taken his seat, but for the necessity of giving a *particular* answer to the various objections to these principles, which had been so ably urged by the counsel for the plaintiff. In this part of his subject he shows the most masterly acuteness, address, and vigor. A gentleman who was present, has described some of the circumstances of his manner, with a very interesting minuteness. "Mr. Henry," he said, "had taken ample notes of the arguments of his adversaries; the people would give him his own time to examine his notes, and select the argument or remark that he meant to make the subject of his comments, observing in these pauses the most profound silence. If the answer which he was about to give was a short one, he would give it without removing his spectacles from his nose; but if he was ever seen to give his spectacles a cant to the top of his wig, *it was a declaration of war*, and his adversaries must stand clear."

I propose to give a few specimens only of his mode of answering the arguments of the opposing counsel. It had been urged by them, that the laws of nations had declared only the *estate* of an alien enemy liable to confiscation—but that debts were mere *rights—choses in action*—and therefore not of a confiscable character. His answer to this is a

happy mixture of ridicule and argument. It is short, and I shall give it in his own words.

"But a *chose* in action is not liable to forfeiture. Why? Because it is too terrible to be done. There is such a thing as *straining at a gnat and swallowing a camel.* Things much more terrible *have been done*—things from which our nature, where it has any pretensions to be pure and correct, must recoil with horror. Show me those laws which forfeit your life, attaint your blood, and beggar your wife and children. Those sanguinary and inhuman laws, to which everything valuable must yield, are to be found in the code of that people, under whom the plaintiff now claims. Is it so terrible to confiscate *debts*, when *they* forfeit *life*, and *corrupt* the very source of your blood? Though every other thing dear to humanity is forfeitable, yet *debts*, it seems, must be spared! Debts are too sacred to be touched! It is a mercantile idea, that worships Mammon instead of God. A *chose* in action shall pass—it is without your reach. What authority can they adduce in support of such conclusive pre-eminence for debts? No political or human institution has placed them above other things. If debt be the most sacred of all earthly obligations, I am uninformed from whence it has derived that eminence. The principle is to be found in the day-books, journals, and ledgers of merchants; not in the writings or reasonings of the wise and well-informed—the enlightened instructors of mankind. Can any gentleman show me any instance, where the life or property of a gentleman or plebeian in England is forfeited, and yet his debts spared? The state can claim debts due to one guilty of high treason. Are they not subject to confiscation? I concur in that sound principle, that good faith is essential to the happiness of mankind; that its want stops all human intercourse, and renders us miserable. This principle is permanent and universal. Look to what point of the compass you will, you will find it pervading all nations. Who does not set down its sacred influence as the only thing that comforts

human life? *Does the plaintiff claim through good faith?* How does *he* derive his claim? *Through perfidy, through a polluted channel.* Every thing of that kind would have come better from our side of the question, than from theirs."

Mr. Ronald had insisted, strenuously, that there could be no forfeiture or escheat without the inquest of a jury; and that no act of the legislature had, in fact, directly forfeited those debts. In answer to this Mr. Henry says:

"But the gentleman has observed, that neither the declaration of the legislature by the act of 1779, that the British subjects had become aliens, and their property vested in the commonwealth; nor any other act passed on the subject, could divest the debts out of the British creditors. It cannot be done without the solemnity of an enquiry by a jury. The debt of A or B cannot be given to C without this solemnity. Is the little legality of forms, which are necessary when you speak of estates and titles, requisite on such mighty occasions as these? When the fate of a nation is concerned, you are to speak the language of nature. When your very existence is at stake, are you to speak the technical language of books, and to be confined to the limited rules of technical criticism?—to those tricks and quirks—those little twists and twirls of low chicanery and sophistry, which are so beneficial to professional men? Alexander said, in the style of that mighty man, to the Thessalians, *You are free from the Thebans*, and the debts they owed them were thereby remitted. Every other sovereign has the same right to use the same natural, manly, and laconic language; not when he is victorious only, but in every situation, if he be in a state of hostility with other nations. The acts use not the language of technicality, they speak not of *releases*, *discharges*, and *acquittances;* but they speak the legislative will, in simple speech, to the human understanding—a style better suited to the purpose than the turgid and pompous phraseology of many great writers."

Mr. Ronald, who was a native of Scotland, and at the commencement of the revolutionary war, at least, had been suspected of being not very warm in the American cause, had urged the objection to the national competency of Virginia, at the time of the passage of those laws of confiscation and forfeiture, on which the defendant relied; and in the course of his observations, had unfortunately used the remark that Virginia was, at that time, nothing more than a *revolted colony*. When Mr. Henry came to notice this remark he gave his spectacles the *war cant:*

"But another observation," said he, "was made; that by the law of nations we had not a right to legislate on the subject of British debts—we were not an independent nation—and I thought," said he, raising himself aloft, while his frame dilated itself beyond the ordinary size, "that I heard the word "revolt."

At this word he turned upon Mr. Ronald his piercing eye, and knit his brows at him, with an expression of indignation and contempt which seemed almost to annihilate him. It was like a stroke of lightning. Mr. Ronald shrunk from the withering look; and pale and breathless, cast down his eyes, "seeming," says my informant, "to be in quest of an auger hole, by which he might drop through the floor and escape for ever from mortal sight." Mr. Henry perceived his suffering, and his usual good nature immediately returned to him. He raised his eyes quietly toward the court, and shaking his head slowly with an expression of regret, added:

"I wish I had not heard it; for although innocently meant (and I am sure that it was so, from the character of the gentleman who mentioned it), yet the sound displeases me—it is unpleasant."

Mr. Ronald breathed again and looked up, and his generous adversary dismissed the topic to resume it no more.

It may give the reader some idea of the amplitude of this argument, when he is told that Mr. Henry was engaged three days successively in its delivery; and some faint conception of the enchantment which he threw over it, when he learns that, although it turned entirely on questions of law, yet the audience, mixed as it was, seemed so far from being wearied, that they followed him throughout with increased enjoyment. The room continued full to the last; and such was "the listening silence" with which he was heard that not a syllable that he uttered is believed to have been lost.

When he finally sat down, the concourse rose with a general murmur of admiration, the scene resembled the breaking up and dispersion of a great theatrical assembly, which had been enjoying for the first time the exhibition of some new and splendid drama: the Speaker of the House of Delegates was at length able to command a quorum for business, and every quarter of the city, and at length every part of the State, was filled with echoes of Mr. Henry's eloquent speech.

LETTERS FROM PATRICK HENRY.

	VOL.	PAGE.
ADAMS, JOHN,		
May 20, 1776	i.	412
April 16, 1799	ii.	623
Assembly, General,		
October 14, 1778	iii.	195
Aylett, Elizabeth,		
October 28, 1787	ii.	329
December 12, 1787	ii.	330
November 11, 1788	ii.	434
October 26, 1793	iii.	422
September 8, 1794	iii.	423
August 20, 1796	ii.	568
BARCLAY, THOMAS,		
March 30, 1785	iii.	287
June 16, 1785	iii.	303
Beaumarchais, M. Caron de,		
January 8, 1785	iii.	264
Benezet, Anthony, friend of,		
January 18, 1773	i.	152
Blair, Archibald,		
January 8, 1799	ii.	591
Bland, Theoderick,		
May 29, 1779	iii.	243
Bowdoin, James,		
August 25, 1785	iii.	320
Brown, Samuel,		
August 11, 1785	iii.	313
CASWELL, RICHARD,		
April 1, 1777	iii.	57
Christian, Anne,		
November 13, 1783	ii.	228
October 20, 1786	iii.	379
Christian, William,		
January 24, 1777	iii.	41
Clark, George Rogers,		
January 2, 1778	i.	588
December 12, 1778	iii.	209
January 1, 1779	iii.	218
Congress, Delegates in,		
October 11, 1776	iii.	19
February 11, 1777	iii.	43
June 20, 1777	iii.	83
August 6, 1777	iii.	86
January 27, 1778	iii.	143
May 23, 1778	iii.	172
August 7, 1778	iii.	190
November 16, 1778	iii.	200
December 4, 1778	iii.	207
April 23, 1779	iii.	232
February 3, 1785	ii.	273
April 16, 1785	iii.	292
August 12, 1785	iii.	314
Congress, Delegates in,		
May 16, 1786	iii.	350
July 5, 1786	iii.	362
Congress, President of,		
July 8, 1777	iii.	84
May 21, 1779	iii.	241
May 16, 1786	iii.	353
Cuba, Governor of,		
October 18, 1777	iii.	103
DANDRIDGE, BARTHOLOMEW,		
January 21, 1785	ii.	252
Delaware, Governor of,		
March 31, 1786	iii.	349
Delegates, Speaker of House,		
October 9, 1776	iii.	18
May 13, 1778	iii.	162
November 27, 1778	iii.	206
May 18, 1779	iii.	240
May 25, 1779	iii.	242
May 28, 1779	ii.	38
October 17, 1785	iii.	325
November 17, 1785	iii.	337
December 12, 1785	iii.	342
October 16, 1786	iii.	377
October 28, 1786	ii.	302
November 27, 1786	iii.	381
November 29, 1796	ii.	573
Dumas, General Count,		
June 8, 1786	iii.	355
FLEMING, COLONEL WILLIAM,		
July 27, 1778	iii.	187
August 11, 1792	ii.	478
August 14, 1792	ii.	478
Franklin, Benjamin, Agent of,		
July 15, 1777	iii.	84
Franklin, Benjamin,		
March 3, 1778	iii.	150
Frederick County, Lieutenant of,		
August 6, 1778	iii.	189
GATES, HORATIO,		
April 21, 1785	iii.	297
Georgia, Governor of,		
February 23, 1786	iii.	348
HANCOCK, JOHN,		
March 28, 1777	iii.	48
August 30, 1777	iii.	90
Harmar, Colonel,		
July 12, 1786	iii.	368
Harnett, Cornelius,		
December 23, 1776	i.	504

	VOL.	PAGE.
Harrison, Benjamin,		
May 21, 1778	iii.	167
May 27, 1778	iii.	173
November 13, 1778	iii.	199
April 16, 1784	iii.	245
November 14, 1785	iii.	335
JAY, JOHN,		
January 28, 1779	iii.	219
May 11, 1779	iii.	238
May 12, 1779	iii.	240
Jefferson, Thomas,		
February 15, 1780	ii.	48
March 30, 1785	iii.	288
Johnson, Thomas,		
March 12, 1777	iii.	45
April 10, 1778	iii.	155
LAFAYETTE, GENERAL,		
January 29, 1785	ii.	262
March 30, 1785	iii.	289
Lamb, John,		
June 9, 1788	ii.	342
Laurens, Henry,		
June 18, 1778	iii.	177
July 4, 1778	iii.	178
July 8, 1778	iii.	180
July 10, 1778	iii.	183
July 16, 1778	iii.	185
November 9, 1778	iii.	197
November 23, 1778	iii.	203
Lee, Francis Lightfoot,		
May 8, 1775	i.	287
Lee, Henry,		
June 14, 1794	ii.	547
June 27, 1795	ii.	550
Lee, Richard Henry,		
May 20, 1776	i.	410
January 9, 1777	i.	511
March 20, 1777	i.	513
March 28, 1777	i.	515
August 30, 1777	iii.	89
September 12, 1777	iii.	94
November 10, 1777	iii.	115
December 18, 1777	iii.	133
April 7, 1778	i.	559
May 15, 1778	iii.	166
May 28, 1778	iii.	174
June 18, 1778	i.	564
May 19, 1779	ii.	30
January 9, 1785	iii.	265
November 15, 1788	ii.	428
August 28, 1789	iii.	397
January 29, 1790	iii.	412
February 8, 1790	iii.	415
Lochrey, Archibald,		
November 28, 1778	iii.	206
MADISON, JAMES,		
March 1, 1787	ii.	312
Madison, Thomas,		
September 28, 1789	iii.	401
September 19, 1792	ii.	479
Martin, Joseph,		
February 4, 1785	iii.	271
April 16, 1785	iii.	294
October 4, 1785	iii.	374
January 25, 1790	iii.	409
Mason, George,		
March 27, 1779	ii.	45
Monroe, James,		
January 24, 1791	ii.	459
Montgomery Co., Lieutenant of,		
March 10, 1777	iii.	44
Montgomery, John,		
December 12, 1778	iii.	216
Morgan, George,		
March 12, 1777	iii.	46
NEW ORLEANS, Governor of,		
October 18, 1777	iii.	105
October 18, 1777	iii.	105
Nicholas, Robert Carter,		
May 4, 1775	i.	284
OFFICERS, commanding forces for Kentucky,		
March 29, 1777	iii.	53
PARKER, JOSIAH,		
June 28, 1786	iii.	360
Payne, Philip,		
March, 1798	iii.	425
Pearson, Charles,		
March 28, 1785	iii.	285
Pendleton, Edmund,		
December 19, 1775	iii.	3
December 23, 1775	iii.	4
December 6, 1776	i.	475
Peters, Richard,		
December 6, 1776	iii.	32
December 18, 1776	iii.	33
Pollock, Oliver,		
October 12, 1785	iii.	324
Preston, John,		
November 29, 1796	iii.	425
Preston, William,		
September 1, 1777	iii.	90
February 19, 1778	iii.	144
Proclamation by Patrick Henry,		
January 6, 1785	iii.	263
RANDOLPH, EDMUND,		
June 21, 1785	iii.	303
February 13, 1787	ii.	311
September 14, 1794	ii.	548
Randolph, H.,		
March 24, 1786	iii.	349
Reed, Joseph,		
March 13, 1779	iii.	229
Richmond, Mayor of,		
January 13, 1785	iii.	267
Roane, Anne,		
September, 1786	ii.	305
August 1, 1798	iii.	424

	VOL.	PAGE.
Russell, William,		
June 10, 1785	iii.	300
Shelby, Ivan,		
January 6, 1785	iii.	263
Stephens, Adam,		
March 31, 1777	iii.	51
Telfair, Edward,		
June 22, 1786	iii.	358
October 14, 1790	ii.	507
Todd, John,		
December 13, 1778	iii.	213
Virginia, Treasurer of,		
January 16, 1786	iii.	343
Walker, Robert,		
November 12, 1790	ii.	508
Washington, George,		
July 31, 1775	i.	305
March 29, 1777	i.	516
September 5, 1777	iii.	91
October 23, 1777	iii.	106
Washington, George,		
October 29, 1777	i.	541
October 30, 1777	iii.	111
December 6, 1777	iii.	129
December 9, 1777	iii.	130
January 28, 1778	iii.	144
February 20, 1778	i.	546
April 18, 1778	iii.	156
July 31, 1778	iii.	188
March 13, 1779	iii.	229
March 12, 1785	iii.	282
March 19, 1785	ii.	257
April 4, 1785	iii.	290
June 10, 1785	iii.	301
October 14, 1785	iii.	324
January 18, 1786	iii.	343
October 19, 1787	ii.	320
October 16, 1795	ii.	558
Woodford, William,		
December 6, 1775	i.	334
Wythe, George,		
May 27, 1777	iii.	78
May 27, 1777	iii.	79
May 31, 1777	iii.	80
November 11, 1777	iii.	116

LETTERS TO PATRICK HENRY.

	VOL.	PAGE.
ADAMS, JOHN,		
June 3, 1776	i.	414
BANISTER, J.,		
March 27, 1778	iii.	153
April 10, 1778	iii.	154
Barclay, Thomas,		
August 23, 1785	iii.	318
Blair, Archibald,		
January 13, 1779	iii.	427
Bland, Theoderick,		
March 9, 1790	iii.	417
Bowdoin, James,		
October 18, 1785	iii.	331
Brooke, Robert,		
December 24, 1794	ii.	503
Brown, Samuel,		
July 29, 1785	iii.	312
CAMPBELL, ARTHUR,		
March 15, 1779	iii.	231
July 26, 1785	iii.	308
Christian, Anne,		
May 22, 1777	iii.	72
Christian, William,		
October 6, 1776	iii.	15
October 14, 1776	iii.	20
October 15, 1776	iii.	23
October 23, 1776	iii.	25
August 12, 1777	iii.	88
Clark, George Rogers,		
September 16, 1778	iii.	194
February 3, 1779	iii.	220
April 29, 1779	iii.	233
Clendennin, George,		
January 5, 1785	iii.	261
Congress, delegates in,		
April 21, 1777	iii.	64
October 31, 1777	iii.	112
November 27, 1777	iii.	128
March 23, 1778	iii.	152
May 3, 1778	iii.	158
May 15, 1778	iii.	166
February 13, 1785	iii.	273
June 8, 1786	iii.	357
July 17, 1786	iii.	371
DAVIES, WILLIAM,		
April 23, 1785	iii.	297
Duval, William,		
March 28, 1789	ii.	435
FITCH, JOHN,		
March 30, 1785	iii.	286
Franklin, Benjamin,		
February 26, 1779	ii.	14
October 8, 1785	iii.	323
GATES, HORATIO,		
May 10, 1782	ii.	173
Grayson, William,		
June 12, 1789	iii.	389
September 29, 1789	iii.	405
HARDY, S.,		
January 17, 1785	iii.	268
Huntingdon, Countess of,		
April 8, 1784	iii.	253
INNES, JAMES,		
March 28, 1789	ii.	436
JAY, JAMES,		
December 20, 1784	iii.	248
Jefferson, Thomas,		
January 12, 1785	ii.	262
April 15, 1785	iii.	291
June 16, 1785	iii.	302
July 15, 1785	iii.	305
August 23, 1785	iii.	316
January 24, 1786	iii.	344
July 22, 1786	iii.	372
Jones, Willie,		
October 25, 1776	iii.	29
LAFAYETTE, GENERAL,		
June 7, 1785	iii.	298
Langdon, John,		
November 16, 1785	iii.	336
Laurens, Henry,		
November 17, 1777	iii.	122
Lee, Arthur,		
November 6, 1777	iii.	113
May 7, 1778	iii.	160
June 15, 1778	iii.	176
July 16, 1778	iii.	186
July 29, 1778	iii.	187
Lee, Charles,		
May 7, 1776	i.	383
July 29, 1776	iii.	5
July 20, 1776	i.	456
Lee, Henry,		
July 11, 1794	ii.	546
September 30, 1795	ii.	561
Lee, Richard Henry,		
April 20, 1776	i.	378
August 20, 1776	iii.	8
September 15, 1776	iii.	10
December 3, 1776	iii.	31
December 18, 1776	iii.	33
January 9, 1777	iii.	36
January 17, 1777	iii.	40

	VOL.	PAGE.
Lee, Richard Henry,		
January 30, 1777	iii.	41
February 6, 1777	iii.	43
April 7, 1777	iii.	58
April 15, 1777	iii.	62
April 22, 1777	iii.	66
May 6, 1777	iii.	67
May 13, 1777	iii.	68
May 26, 1777	iii.	73
September 8, 1777	iii.	92
September 13, 1777	iii.	96
October 8, 1777	iii.	100
October 16, 1777	iii.	102
October 25, 1777	iii.	107
October 28, 1777	iii.	109
November 24, 1777	iii.	124
January 7, 1778	iii.	140
January 25, 1778	iii.	142
October 21, 1778	iii.	196
November 15, 1778	ii.	10
February 10, 1779	iii.	223
February 28, 1779	iii.	227
March 3, 1779	iii.	228
December 18, 1784	iii.	247
January 21, 1785	iii.	271
February 14, 1785	iii.	277
May 28, 1789	iii.	387
September 14, 1789	iii.	399
September 27, 1789	iii.	402
June 10, 1790	iii.	420
Lee, William,		
September 30, 1777	iii.	96
Lemaire, Colonel,		
December 3, 1785	iii.	340
Lewis, Charles,		
October 14, 1776	iii.	22
Lockhart, Patrick,		
July 3, 1778	iii.	184
Lochrey, Archibald,		
November 13, 1778	iii.	198
MARTIN, JOSEPH,		
May 21, 1783	iii.	243
March 26, 1785	iii.	282
September 19, 1785	iii.	321
September 19, 1785	iii.	322
August 14, 1786	iii.	372
January 20, 1787	iii.	382
July 2, 1789	iii.	396
January 18, 1790	iii.	407
Mason, George,		
May 6, 1783	ii.	184
May, John,		
July 14, 1786	iii.	369
Monroe, James,		
August 12, 1786	ii.	291
Montgomery, James,		
July 27, 1785	iii.	310
Morgan, George,		
April 1, 1777	iii.	54
PLEASANTS, ROBERT,		
March 28, 1777	iii.	49
Pulaski, Count,		
May 12, 1778	iii.	161
RANDOLPH, EDMUND,		
December 6, 1786	ii.	310
Reed, Joseph,		
February 21, 1779	iii.	226
SEVIER, JOHN,		
July 19, 1785	iii.	307
Short, William,		
January 30, 1786	iii.	346
THOMSON, CHARLES,		
July 3, 1786	iii.	361
Todd, Levi,		
June 22, 1786	iii.	359
November 20, 1786	iii.	381
Tyler, John,		
December 5, 1785	iii.	341
WALLACE, CALEB,		
November 10, 1788	iii.	385
Washington, George,		
October 5, 1776	iii.	12
February 24, 1777	i.	484
April 13, 1777	iii.	60
May 17, 1777	iii.	70
May 31, 1777	iii.	82
August 4, 1777	iii.	85
October 3, 1777	iii.	98
November 13, 1777	iii.	117
November 13, 1777	iii.	120
December 10, 1777	iii.	132
December 19, 1777	iii.	135
December 27, 1777	iii.	136
January 3, 1778	iii.	138
February 19, 1778	iii.	148
March 27, 1778	i.	549
March 28, 1778	i.	550
April 19, 1778	iii.	157
May 16, 1778	iii.	167
May 23, 1778	iii.	170
May 30, 1778	iii.	175
July 4, 1778	iii.	179
September 13, 1778	iii.	190
October 7, 1778	iii.	191
October 14, 1778	iii.	193
November 23, 1778	iii.	202
February 7, 1779	iii.	223
February 13, 1779	iii.	225
February 27, 1785	ii.	256
June 24, 1785	iii.	304
October 29, 1785	iii.	333
November 30, 1785	iii.	337
October 29, 1787	ii.	259
October 9, 1795	ii.	556
January 15, 1799	ii.	601
Wilson, John,		
May 20, 1778	iii.	169
Wood, L.,		
June 7, 1786	iii.	356

GENERAL INDEX.

ADAMS, JOHN, attributes to Mr. Henry the beginning of the Revolution, i. 100; afterward claims it for James Otis, 102; his opinion of Virginia Delegation to Continental Congress, 213; member of Congress, 214; gives abstract of Mr. Henry's speeches in Congress, 221, etc.; defines powers of Parliament, 227; describes Mr. Henry's position as to measures of Congress, 239, 240; seconds Lee's motion for independence, 401; on committee to draft Declaration, 402; proposes plan for State governments, 414, 417; testimony to Mr. Henry's beginning the Revolution, 414; commissioner for treating for peace with Great Britain, ii. 178; is elected President of the United States, 577; his conciliatory conduct toward France, 581; prepares for war with her, 583.

Adams, Samuel, prepares Boston instructions in 1764, i. 61; claim for him that they commenced the Revolution, 103; prepares papers for Massachusetts Assembly of 1767-1768; a member of Continental Congress, 214; unites with Mr. Henry in defeating Galloway's plan of settlement, 235.

Alexander, Rev. Archibald, description of Patrick Henry, ii. 494, etc.

Alien and Sedition laws, ii. 583.

Allen, Ethan, takes Ticonderoga, i. 294.

Arnold, Benedict, invades Virginia, ii. 111.

Atkinson, Roger, his sketch of Virginia members of the Continental Congress of 1774, i. 197.

Aylett, Philip, marriage with Elizabeth Henry, ii. 304.

BANCROFT, GEORGE, his tribute to the Virginia resolutions of May 16, 1769, i. 142.

Baptists in Virginia persecuted, i. 117; defended by Mr. Henry, 117-119; petition Convention of 1775, 317; urge the passage of Mr. Jefferson's bill for religious liberty, ii. 202; subsequent memorials, 205, etc.

Barré, Isaac, opposes Stamp Act, i. 62.

Barron, James, Captain, attacks British in the Bay, i. 327; made commodore, 478.

Beckford, Alderman, opposes Stamp Act in Parliament, i. 62.

Berkley, Norborne, Lord Botetourt, Governor of Virginia, i. 136; espouses cause of Colonies, 143; death, October, 1770, 149.

Bernard, Sir Francis, Governor of Massachusetts, describes the effect of the Virginia resolves against the Stamp Act, i. 99.

Bill of Rights, framed by Convention of May, 1776, i. 422, etc.; its clauses traced to their sources, 424, etc.; similar paper moved by Mr. Henry as an amendment to the United States Constitution, ii. 385, iii. 598; great benefits resulting from it, ii. 385, etc.

Blagrave, Henry, votes for Henry's resolutions against Stamp Act, i. 86.

Blair, Archibald, letter to Washington in reference to Mr. Henry's political position, ii. 594.

Blair, John, Burgess in 1765, i. 73; member of first Executive Council of the State of Virginia, i. 445.

Bland, Richard, discussion with John Henry, i. 4; sketch of him, 72; opposes Henry's resolutions against Stamp Act, 82; publishes an inquiry into the rights of the Colonies, 131; opposes Mr. Henry's motion to arm the Colony in March, 1775, 258.

Bland, Theoderick, member of Congress under United States Constitution, ii. 441.

Boston, citizens fired on by British soldiers, March 5, 1770, i. 148; destroys the tea shipped to her port in 1773, 172; her port closed, 173; is supported by the Colonies, 195.

Boston Port Bill, i. 173.

Bowman, Captain Joseph, extract from journal of march against St. Vincent's, i. 597.

Braxton, Carter, Burgess in 1765, i. 73; proposes a form of State government, 413; left out of the delegation to Congress, 449.

Breckenridge, John, member of Legislature after the Revolution, ii. 184; prosecutes Holland, 480; claim to the authorship of Kentucky resolutions of 1778, 584.
British Debts, provision regarding them in treaty of peace, ii. 229; bill of Mr. Madison for their payment, 233; argument of Mr. Henry in trial in Federal court, iii. 601, etc.; see under Patrick Henry.
Brougham, Henry, Lord, relationship to Mr. Henry, i. 3.
Burgesses, House of, first met in 1619, i. 29; legislative powers, 29; its expiration, 309.
Burgoyne, General John, his campaign in 1777, i. 529; defends himself in Parliament, ii. 3.
Burke, Edmund, denounces Navigation Act, i. 52; on effect of Mr. Henry's resolutions against Stamp Act, 100; leads the opposition to American policy in Parliament, 143; moves the repeal of the obnoxious measures toward America, 273; braves the King in his American policy, 360.
Byrd, Colonel William, describes Sarah Syme, i. 5.

Cabell, Dr. George, attends Mr. Henry in his last sickness, ii. 625.
Cabell, Colonel William, Burgess in 1765, i. 73.
Camden, Lord, defends the Colonies in 1766, i. 108; his estimate of the Continental Congress of 1774, 244.
Camm, Rev. John, assails Tobacco Act, i. 32; goes to England, 32; loses his suit for salary, 45; disapproves reclamation of the gunpowder, 286.
Campbell, Colonel Arthur, commands expedition of 1781 against Cherokees, ii. 69; wishes to divide the State, 276.
Campbell, Colonel William, marries Elizabeth Henry, i. 330; commands at King's Mountain, ii. 65; joins Lafayette in 1781, 129.
Carrington, Colonel Clement, account of Mr. Henry's position as to alien and sedition laws, ii. 612.
Carrington, General Edward, effect on him of Mr. Henry's speech in Convention of 1775, i. 270; interview with Washington as to Virginia Senators, ii. 415; consulted as to offer of Secretaryship of State to Mr. Henry, 554.
Carrington, Paul, Burgess in 1765, i. 73; describes Mr. Henry's speech on Stamp Act, 84; votes for his resolutions, 86.
Carter, Charles, elected member of first Executive Council of the State of Virginia, i. 445.
Carter, Robert, employs Mr. Henry as counsel, ii. 466.
Cary, Archibald, Burgess in 1765, i. 73; his alleged threat about dictatorship, 506.
Catherine II. of Russia proposes laws for neutrals, ii. 58.
Charlotte County, instructions to her delegates in Convention of 1776, i. 374.
Charter, Virginia, of April 10, 1606, i. 49, 50.
Chase, Samuel, member of Continental Congress, i. 216.
Chatham, Lord. See William Pitt.
Cherokees make war on Virginia, i. 460; renew hostilities in winter of 1780–1781, ii. 69.
Christian, William, marries Anne Henry, i. 122; among the officers who in 1774 offer their swords to defend American rights, 205; is appointed Lieutenant-Colonel to First Virginia Regiment, 320; commands expedition against the Cherokees, 462, etc.; a commissioner to make peace with Indians, 464; is killed in 1785, ii. 385.
Clark, George Rogers, born in Albemarle County, i. 470; moves to Kentucky, 469; delegate to Virginia Convention, 470; obtains powder for Kentucky, 472; his expedition against British forts in the Northwest, 583, etc.; services during Arnold's invasion, ii. 112; leads retaliatory expedition against Indians, 175; commands expedition against Wabash Indians which fails, 289; seizes goods at Vincennes, 298; is selected to lead proposed expedition against the lower Mississippi, 298.
Clinton, George, member of second Congress, i. 292; opposes United States Constitution and proposes conference with Virginia, ii. 362; is proposed by Mr. Henry for Vice-President, 431.
Clinton, Sir Henry, commands British army, i. 563; evacuates Philadelphia, 563; directs Cornwallis to occupy Old Point Comfort, ii. 133.
Collier, Sir George, leads expedition against Virginia in 1779, ii. 26.
Committee of Safety, i. 315; prevents Colonel Henry from taking the field, 333; takes sides with Colonel Woodford, 343.

Committees of correspondence inaugurated between the Colonies, i. 159; conduct of Virginia approved, 165; lead to a Congress and Union, 160; propose a Congress, 181.
Congress, Continental, called by Virginia under lead of Patrick Henry, i. 179-184; character of its members, 214; meets September 5, 1774, 218; opening scenes, 219, etc.; its proceedings, 218–238; criticism on its work, 240; tributes to its papers, 244; authorship of its papers, 244; meets May, 1775, 292; determines to act on the defensive, 293; forced to become active belligerents, 294; its proceedings, 294–305; orders troops for the war, 488; removes to Baltimore, 488; to York, Penn., 552; declines proposals of British commissioners, 565; fixes on terms for peace in 1779, ii. 4; asks for cessions of territory claimed by the States, 75; disgraceful action as to Virginia's proposed cession, 88, etc.; final acceptance of Virginia's deed, 95; weakness of Congress under the Confederation, 281; attempts by a majority vote to yield the free navigation of the Mississippi, 290.
Constitution of the United States, movement toward a convention to frame it, ii. 282; call of Convention at Philadelphia, 302; the Constitution transmitted by Washington to Mr. Henry, 320; Convention called by Virginia to consider it, 324; discussion of it in newspapers, 334; adopted in Delaware, Pennsylvania, New Jersey, Massachusetts, Maryland, and South Carolina, 335–337; how carried in Virginia, 361; Washington's influence, 363; preamble to Virginia's ratification, 365; amendments proposed by Mr. Henry, 369; Constitution adopted by Virginia, 373; Washington's influence in the result, 377; Mr. Henry's objections to the Constitution, 379, etc.; effect of amendments adopted, 385, etc.; probable effect of those not adopted, 391; Mr. Henry's predictions as to the working of the Constitution, 397, etc.; Constitution adopted by New York, with proposal of another convention, 411; deferred by North Carolina and amendments demanded, 411; amendments proposed in Congress, 443; those adopted, 445; ratified by North Carolina and Rhode Island, 451; first ten amendments adopted, 458; eleventh amendment adopted, 463; Mr. Henry's speeches in Convention of 1788, iii. 431, etc.; he declares it a consolidated government, 433; and criticises its provisions, 437, etc.; form of ratification, 591; amendments proposed, 593; recommended by the Virginia Convention, 600.
Constitution of Virginia, framed by Convention of May, 1776, i. 406, etc.; attempt of Jefferson and Madison to change it, ii. 233; second attempt, both defeated by Mr. Henry, 468.
Convention, Virginia, of 1774, i. 182; of March, 1775, 254; of July, 1775, 310; of December, 1775, 331; marches to meet expected attack on Yorktown, 332; of May, 1776, 387, etc.; of June, 1788, to consider United States Constitution, ii. 338, etc.; its distinguished members, 340; account of its proceedings, 345, etc.
Conway, H. C., opposes Stamp Act on its passage, i. 62.
Conway, General Thomas, engaged in plot against Washington, i. 551.
Corbin, Francis, pays for the gunpowder removed by Governor Dunmore, i. 288; moves for a convention to consider the United States Constitution, ii. 322; urges its ratification, 351; excites the ridicule of Mr. Henry, 418.
Corbin, Richard, action about paying for the gunpowder removed from Williamsburg, i. 283.
Cornstalk, commands at battle of Point Pleasant, i. 204; his murder, 573.
Cornwallis, Lord, believes the war ended by the retreat of Washington across New Jersey, i. 488; defeats General Gates, ii. 62; invades North Carolina, 63; is opposed by General Greene, 67; finally retires to Wilmington, 68; marches to Virginia, 125; his campaign in that State, 127, etc.; occupies Yorktown, 133; is besieged, 163; surrenders, 164.
Council, Virginia, holds the Two Penny Act valid, i. 45.
Coutts & Crosse, first clients of P. Henry, i. 25–44.
Cowper, Captain John, his heroic naval action, i. 480.
Crenshaw and Grant, buy remnant of Mr. Henry's goods, i. 25.
Cromwell, Oliver, regulates English commerce, i. 52.

Dabney, George, statement about youth of Patrick Henry, i. 9; of enlistment of military company in Hanover in 1774, 251.

Dandridge, Bartholomew, member of first Executive Council of the State of Virginia, i. 445.
Dandridge, Dorothea, second wife of Patrick Henry, i. 618.
Dandridge, Nathaniel West, neighbor of Mr. Henry, i. 18; is represented by him in his contest with Littlepage, 46.
Davies, Rev. Samuel, education, i. 12; licensed to preach in Hanover, 13; eloquence, patriotism, 13, 14; prophecy as to Washington, 14; influence in forming character of Patrick Henry, 15, 16.
Davies, Colonel William, made commissioner of war in Virginia, ii. 120; his efficient services, 134.
Dawson, John, opposes United States Constitution, ii. 350.
Deane, Silas, member of Continental Congress, i. 215; estimate of Mr. Henry, 246.
D'Aranda, Count, Spanish commissioner at treaty of peace, ii. 178.
Decius attacks Mr. Henry in the *Independent Chronicle*, ii. 435.
D'Estaing, Count, commands French fleet sent to America, ii. 6.
De Grasse, Count, victory over Admiral Graves, ii. 162; defeat by Rodney, 180.
DeuxPonts, Count de, commands storming party at Yorktown, ii. 164.
Dickinson, John, publishes Farmer's Letters, i. 132; member of the Continental Congress, i. 216; is placed on committee to prepare address to King, 238; prepares second address to the King, and an address setting forth the causes of taking up arms, 304; opposes independence, 402; drafts articles of confederation, 404.
Digges, Dudley, Burgess in 1765, i. 73; member of the first Executive Council of the State of Virginia, 445.
Dragging Canoe, leads Cherokees against Virginia, i. 460; refuses to make peace, 464; expedition of Colonel Shelby against him, ii. 24.
Dulany, Daniel, publishes a tract on taxing the Colonies, i. 132.
Dunmore, Lord, made Governor of Virginia in 1771, i. 150; calls an assembly, March, 1773, 157; is censured by the House for irregular proceedings, 158; stirs up disputes with Pennsylvania, and with Indians on the Ohio, 174–176; makes war with the Indians, 203; is rebuked by Administration, 205; his motive in the war, 206; treaty with Indians, 206; seizes the gunpowder at Williamsburg, 277; his conduct when Mr. Henry marched to reclaim it, 282, 283; issues proclamation against him after settlement of the affair, 285; urges Lord North's proposals, 307; his conduct investigated by the House of Burgesses, 307; removes himself and family to the Fowey, at Yorktown, 308; makes war on Virginia, 321; incites Indians, slaves, and convicts to war on Virginia, 325; burns Norfolk, January 1, 1776, 328; is driven from Gwin's Island and St. George's Island, and finally leaves Virginia, 459.
Duval, William, writes Mr. Henry about attack by Decius, ii. 435; about pleas in British debt cause, 472.

East India Company, allowed to export tea to America free of duty, except threepence per pound collectable there, i. 169.
Ellsworth, Oliver, chief justice, is nominated, along with Mr. Henry and William Vans Murray, minister to France, ii. 622.

Fauquier, Governor Francis, declares the Two-Penny Act valid, i. 45; dissolves assembly of 1765, 87; encloses resolutions against Stamp Act to Lords of Trade, 88; describes their effect in Virginia, 95; his death, 133.
Fitzherbert, Alleyne, British commissioner at treaty of peace, ii. 177.
Fleming, John, votes for resolutions against Stamp Act, i. 86.
Fontaine, Mrs. Martha, daughter of Patrick Henry, cared for her younger children after death of her mother, i. 318; moves to Henry County, ii. 42; attends her father in his last sickness, 624.
Fontaine, Patrick Henry, account of Patrick Henry's death, ii. 625.
Fontaine, Peter, gives P. Henry form book, i. 24.
Fox, Charles James, takes the part of the Colonies, i. 360; attacks the King's speech in 1778, ii. 2; rejoices at surrender of Cornwallis, 165; coalition with Lord North, 230.
France, claims western territory, i. 56; favorable to American independence in 1776, 383; enters into treaty with the United States, 533; sends a squadron to America, 535; her aid essential to success of American cause, 568; loans money to United States, ii. 161; her troops and fleet at siege of York-

town, 162; her conduct in negotiations for peace, 180; her revolution, 522, etc.; complications with the United States, 580.
Francisco, Peter, his services in the war, and adventure with British troopers, ii. 131.
Franklin, Benjamin, proposes plan of Union in 1754, i. 56; advises Pitt to send army to America to fight France, 57; examined before Parliament in 1766, 108; member of second Congress, 292; is made postmaster-general, 297; on committee to draft Declaration of Independence, 402; commissioner in treating for peace with Great Britain, ii. 178; opinion of United States Constitution, 318.
French Revolution, its character, ii. 522, etc.; Mr. Henry's distrust of it, 576.
Fries, John, his rebellion, ii. 614.
Furguson, Colonel Patrick, commands left wing of Cornwallis' army, ii. 63; is defeated and killed at King's Mountain, 66.

GADSDEN, CHRISTOPHER, noble conduct in Continental Congress, i. 229.
Gage, General Thomas, describes resistance to Stamp Act, i. 97-100; concentrates British forces at Boston, 224; fortifies the town, 225; concerts with John Stuart attack by Indians on Virginia, 459.
Gallatin, Albert, reception in Richmond, ii. 246; takes Mr. Henry's advice as to calling in life, 247; is Republican leader in Congress in 1799, 598.
Galloway, Joseph, member of Continental Congress, i. 216; his proposal to Continental Congress for settlement of difficulties with Great Britain, 230.
Gaspée, ship, obstructs commerce by unlawful searches, i. 155; is destroyed by disguised men, 156; court of enquiry concerning it, 156; court adjourns, 169.
Gates, General Horatio, supersedes General Schuyler, i. 530; gains victory at Saratoga, 531; effort to place him in Washington's place, 544; is sent to command Southern army, ii. 62; is defeated by Cornwallis at Camden, 63; resolutions of Virginia House of Delegates respecting his services, 73; congratulates Mr. Henry on peace and independence, 173.
Genet, Edmond Charles, minister from France, his conduct, ii. 527, etc.; his recall, 529.
George III., designs to alter charters, i. 59; assents to Stamp Act through a commission, 63; alluded to by Patrick Henry in his speech on his resolutions against the Stamp Act, 86; signs repeal of Stamp Act, 110; repents the action, 128; addressed by Virginia House of Burgesses in 1769, 140; also in 1770, 147; also in 1772, in a protest against slave trade, 150; attempts to govern the Colonies by Royal Instructions, 155; fails, 169; claims unlimited right of Parliament over Colonies, 170; speech on opening Parliament, November 30, 1774, 252; deaf to address of Congress, 320; answers second petition by proclaiming the Colonies in rebellion, 320; hires Hessian troops, 321; insists on subduing the Colonies, 358; receives news of surrender of Cornwallis, ii. 165; orders in Council as to neutral vessels, 529.
Gerry, Eldridge, appointed minister to France, ii. 581.
Gordon, Rev. William, gives resolutions against Stamp Act in his history, i. 90.
Grayson, William, member of Legislature after the Revolution, ii. 184; member of Virginia Convention of 1788; letter to General John Lamb, 344; opposes United States Constitution, 350; is elected to United States Senate, 427, 428; approves Mr. Henry's course as to the attack of "Decius," 438; his account of contest over titles, 446; of the impost bill, 447; of office seekers, 448; his death, 451.
Greene, General Nathaniel, appointed Quartermaster-General, i. 561; is appointed to command of Southern Department, ii. 67; his campaigns with Cornwallis, 67, etc.; advances into South Carolina, 123.
Grenville, George, minister, proposes to tax America, i. 60; moves Stamp Act, 62; appoints distributors, 64.
Guardaqui, Minister from Spain, insists on occlusion of the Mississippi, ii. 290; attempts to carry the Mississippi to Spain, 315.

HALL, LYMAN, member of second Congress, i. 292.
Hamilton, Alexander, leads storming party at Yorktown, ii. 164; writes answer to Rhode Island on power of Congress to levy a duty on imports, ii. 223; controls Convention of New York as to Federal Consti-

tution, 410; his financial policy as Secretary of the Treasury, 453; bargain with Jefferson to carry Assumption Act, 454; denounces Virginia's remonstrance against the act, 457.
Hamilton, Henry, taken at Vincennes, i. 600.
Hampton, attacked by British, i. 324.
Hancock, John, member of second Congress, i. 292.
Hanover County, home of John Henry, i. 2; birthplace of Patrick Henry, 7; rise of Presbyterian Church in, 11, 12; elects Mr. Henry to House of Burgesses, 136; instructions to him as a member of the Convention of 1774, 191; enlists a military company, 251; which marches under Mr. Henry to get pay for the gunpowder removed by Governor Dunmore, 282; assumes the responsibility of the movement, 289.
Hanover Presbytery, petitions against the established Church in 1776, i. 498; its action after the Revolution, ii. 201, etc.
Harrison, Benjamin, Burgess in 1765, i. 73; member of the first Executive Council of the State of Virginia, 445; left out of the delegation to Congress, 449; defends himself, 491; sent on special commission to Congress in 1780, ii. 74; elected Governor, 172; opposes United States Constitution, 350.
Harrison, Robert Hanson, commissioner from Maryland to Virginia, about the Chesapeake, ii. 176.
Harrod, James, first settler in Kentucky, i. 465.
Hawkins, John, appointed by Governor Henry to collect provisions for Washington's army, i. 559.
Helm, Leonard, Captain with Clark's expedition northwest, i. 591, etc.
Henderson, Richard, claims western territory, i. 465; claims of his company settled, 473.
Henry, Alexander, father of John, i. 1.
Henry, David, kinsman of John, i. 3.
Henry, John, immigrant, i. 1; family connections, 2; education, character, offices, 4; marries Sarah (Winston) Syme, 7; residence, children, 7; vestryman, 8; presides at trial of Parson's cause, 35, 37, 43; publishes map of Virginia, 123; his death, February, 1773, 156.
Henry, Patrick, birth, i. 7; youth, education, early characteristics, 8–10; influence of Rev. Samuel Davies, 15; trained to mercantile life, 16; first venture in business, 16; marries Sarah Shelton, 16; tries farming, 17; loses his dwelling by fire, 17; opens a store, 17; described by Jefferson, 18; by Edmund Winston, 19; reads law, 20; experience with the examiners, 21; commences practice, few books, 24; early success, 25; Parson's cause, 28–43; his great powers of eloquence first discovered, 39; his argument, 39–42; appears for Captain N. W. Dandridge in contest with James Littlepage, 46, 47; refuses to offer for House of Burgesses, 48; growing reputation as a lawyer, 48; elected a Burgess from Louisa County, 70; takes his seat, May 20, 1765, 71; opposes a public loan office, 76; offers resolutions against the Stamp Act, 79; copy left by him and his account of their passage, 80, 81; his eloquence in the debate upon them, 82–84, 86; becomes the leader of Virginia, 87; extension of his fame, 101; his reason for offering his resolutions, 109; early paper on slavery and religious toleration, 112; defends the Baptists, 117; his practice as shown by his fee-books, 119; buys and visits western lands, 120; removes to Louisa County, 123; practice in the General Court, habit of reading, 123; succeeds to practice of R. C. Nicholas, 124; his power over juries, description of Mr. Henry in court by St. George Tucker, 125; leads Assembly of 1768, 134; on committee in 1769 which reports true relations of the Indians to the Colony and true line to south of Virginia, 145; commissioner to New York conference about Indian trade, 148; purchases estate in Hanover called Scotchtown, 149; leads in inaugurating committees of correspondence, 160–162; appearance in Assembly of 1773, 163; leader in Virginia's call for a general Congress, 182–184; George Mason's account of him, 183; is elected to Convention of 1774, 191; to Congress, 196; his foresight as to American Revolution, 207; sketch of him in 1774 by Edmund Randolph, 209; visits Mount Vernon, and accompanies Washington to the Congress of 1774, 213; opens the debates in Congress, 219; accounts of his speech, 219–222; appointed on committee to report statutes affecting trade and manufactories, 224; added to committee on rights, etc., 226; fixes date for non-importation, 229; defeats Galloway's plan for a British American Legisla-

ture, 233; abstract of his speech, 234; is placed on committee to prepare address to the King, 235; his account of his early education, 237; his conviction that there must be war with Great Britain, 239; his part as a leader of the Congress, 243; the impression he made on the members, 246; his estimate of Washington and Rutledge, 247; enlists the first military company in Virginia after adjournment of Congress, 251; member of Convention of March, 1775, and moves to arm the Colony preparatory to war, 257; description of scene by Edmund Randolph, 259; Mr. Henry's speech, 261–266; tradition concerning it, 267–270; attacks Governor Dunmore's plan of land grants, 275; marches at head of the Hanover volunteers to reclaim the gunpowder removed by Governor Dunmore, 281; offers to assist treasurer of Colony, 284; denounced by Governor Dunmore, 285–286; letter to F. L. Lee concerning his action, 287; is applauded by many counties, 289; is escorted on his way to Congress, 290; anticipates a confederation and independence, 291; sits in second Congress, 292; his success in the body, 296–304; urges peace on Pennsylvania border, 302; is elected colonel of the first Virginia regiment, and commander of all her forces, 312; takes his seat in Convention, 313; takes command of Virginia forces, 319; advises sending troops to protect Norfolk and vicinity, 322; disposition of his troops to protect Williamsburg, 329; distrust of Committee of Safety, 333; is not reported by Colonel Woodford, 334, 335; Colonel Henry's commission, 338; appeals to Committee of Safety as to its construction, 340; submits to its decision, 344; degraded in rank by Congress, 347; refuses commission from Congress, 348; indignation of Virginia troops, 348–352; elected to Convention of May, 1776, 376; views of the order in which independence should be taken up, 382, 410, 412; leads the Convention in resolutions for independence, 392; his speech on the occasion, 393; advocates a democratic form of government, 411; proposes fifteenth and sixteenth sections of Bill of Rights, 430; principle of religious liberty inserted by him, 430, etc.; defeats article prohibiting bills of attainder, 435; advocates veto power, 438; elected first Governor of the State of Virginia, 445; letter of acceptance, 446; addresses by Virginia regiments and Baptist association, and replies, 452–456; gives deposition about western land companies, 467; supports Washington after his retreat through New Jersey, 489; vested with enlarged powers, 502; not proposed as a dictator, 505; his difficulties in filling up Virginia's quota of troops, 513, etc.; removes British subjects from Virginia, 519; elected Governor second time, 521; issues proclamation against engrossing, etc., 538; offers State artillery to Washington, 541; attempt to engage him in plot against Washington, 544; he informs Washington, 546; sends relief in clothing and provisions to Washington at Valley Forge, 553, etc.; fears defeat of French treaty, 564; maintains the sole right to call out the Virginia militia, 570; indignant at the murder of Cornstalk, 575; takes steps to defend the frontier, 575; attempts to conciliate Indians, 577; advises Congress to abandon for the present expedition against Detroit, 579; sends expedition to the Northwest under George Rogers Clark, 583, etc.; his instructions, 584; sends Colonel David Rogers on expedition to lower Mississippi, 607; adopts retaliatory measures toward British, 614; fortifies Yorktown, 615; effort to procure arms from abroad, 616; second marriage, 618; purchases land in Henry County, 618; elected Governor for third term, 621; sends troops to Kentucky, ii. 9; number of troops raised by him while Governor, 9; effects foreign loans for the State, 16; urges protection of Chesapeake Bay, 22; sends expedition under Evan Shelby against Indians in Chickamauga towns, 23; urges conquest of lower Mississippi, 25; takes steps to defend the State against the attack of the British under Sir George Collier and General Matthews, 29; generous treatment of British prisoners, 33; his administration criticised by St. George Tucker, 34; approved by the Legislature, 39; moves to Henry County, 42; is elected a delegate to Congress, 43; declines, 43; is depressed by depreciation of the currency and conduct of Whigs, 48; is elected

to House of Delegates, 49; vigorous measures adopted by the Legislature while he was in attendance, 50; opposes congressional scheme for restoration of currency, and urges taxation as the only remedy, 53; supports Mr. Jefferson's re-election, 57; prevents banishment of Rev. Christopher McCrae, 57; member of House, October session, 1781, 71; his active services as a member, 71, 72; moves special mission to Congress for aid to the State, 74; member of Legislature, March, 1781, 115; representation to Congress of Virginia's condition, 117; report on power of House over supply bills, 121; attends session of May, 1781, 137; anecdote relating to flight of Legislature to Staunton, 139; unites in inquiry into conduct of Governor Jefferson, 144; interruption of their friendship, 144; scheme of a dictatorship, 146, etc.; his conduct as Governor compared with that of Mr. Jefferson, under invasion of the State, 148; important measures adopted by Legislature under lead of Mr. Henry, 151; address to Congress prepared by him, 153; charge against him by John Taylor, of moving to submit to Great Britain, 155; the charge examined, 156, etc.; his leadership during the Revolution, 166; sits in Legislature of November, 1781, 169; important measures carried by him, 169, etc.; in Legislature of May, 1782, 174; opposes irregular division of the State, 175; other important services, 175; the leader in the Legislature after the war, 184; carries bill to relieve restraints on British commerce, 191; and bill to allow the return of the Tories, 192; his speeches on these bills, 191-193; advocates internal improvements, 197; aids in establishing schools of learning, 198; dreads effect of French infidelity, and urges support of religious teachers, 200, etc.; carries postponement of taxes, 212; his humor, 213; his bill to encourage intermarriages with Indians, 218; advocates cession of Northwest to the United States, 220; advocates empowering Congress to levy a duty on imports, 221; is made silent by powers claimed for Congress in Hamilton's answer to Rhode Island, 224; his measures for strengthening power of Congress, 226; opposes a change in Virginia Constitution, 234; moves resolutions regarding Washington and Lafayette on their visits to Richmond, 236, 237; reminiscences of his legislative career, 240; advice to Albert Gallatin, 247; election fourth time as Governor, 249; removes his family to Chesterfield County, 250; death of his mother and portrayal of her character by Colonel Meredith, 251; style of life as Governor, 253; renewal of the correspondence with Richard Henry Lee, 254; corresponds with Washington about the stock voted him by the Legislature, 255, etc.; corresponds with Jefferson about execution of marbles of Washington and Lafayette, 262, etc.; purchases arms in France for Virginia, 269; encourages John Fitch in his steamboat invention, 271; inaugurates penal servitude instead of capital punishment for inferior grades of crime, 272; favors scheme of the Countess of Huntingdon for civilizing the Indians, 273; defeats Colonel Arthur Campbell's effort to divide the State, 277; instrumental in disbanding the State of Franklin, 279; elected Governor for fifth time, 280; letter to his sister Anne on the death of Colonel Christian, 286; urges Congress to protect Western border against the Indians, 288; aroused by effort of Eastern States to relinquish the free navigation of the Mississippi, 298, etc.; is chosen a delegate to the Federal Convention, 302; declines re-election as Governor, 303; is thanked by the House for his services as Governor, 303; removes to Prince Edward County, 305; letter to his daughter Anne on her marriage with Spencer Roane, 305; declines seat in Federal Convention, 311; fears aroused in breast of Madison thereby, 312; letter to Washington about Constitution, 320; speech on motion to call a Convention, 322; wishes to consult other States as to amendments, 324; defeats bill to repeal acts in conflict with treaty of peace, 326; introduces resolutions regarding the Mississippi, 327; his bill to prohibit importation of liquors, etc., and to impose a duty on coal, etc., 328; returns to the bar, 330; offers for the Convention, 332; letter to General John Lamb about amendments proposed to United States Constitution, 342; descriptions of his appearance in the Con-

vention, 346; opening speech in the Convention, insists that the Confederation was changed into a consolidated government, 348; leads the opposition, 350; criticises Governor Randolph, 352; scene with George Nicholas, 355; his greatest speech in the Convention, 359; his tactics to carry the Convention for prior amendments, 360; opposes form of Virginia's ratification and pronounces it ineffectual, 366; brings forward proposed amendments, 369; his last great effort in the Convention, and storm scene, 370; his logical powers displayed in the Convention, 375; carries the Convention for amendments, 374, 375; his objections to the Constitution discussed, 379, etc.; effect of amendments adopted, 385, etc.; probable effect of those rejected, 391, etc.; his predictions as to the workings of the United States Constitution, 397, etc.; refuses to make factious opposition to it, 412; controls General Assembly of October, 1788, 416; proposes another Federal Convention to consider amendments, 416; forces the Federalists to support his amendments, 418; his power of acting illustrated in scene with Francis Corbin, 418; drafts communication to Congress, 423; defeats Madison for the United States Senate, 427; letter to R. H. Lee on his election as senator, 428; completely rules the Legislature on Federal questions, 433; leaves his seat to meet Mrs. Christian, 434; is attacked in *Independent Chronicle* by "Decius," 435; the attack reprobated, 436; his dignified silence, 438; votes as an elector for Washington and Clinton, 441; effect of his advocacy of amendments on Mr. Madison, 442–445; is consulted by anti-Federal members of Congress, 446; is opposed to the uncontrolled power of removal from office vested in the President, 448; course in Legislature of October, 1789, 449; is despondent as to further amendments, 451; is offered United States senatorship and declines, 451; sits in Legislature of October, 1790; condemns Assumption Act, 455; on committee to remonstrate with Congress, 456; causes delay in adopting amendments, 458; opposes sale of glebe lands, 458; close of legislative career, 459; his then views on public affairs, 459; defeats attempt of Jefferson to change Virginia Constitution, 463; regains his position at the bar, 464; Judge Roane's account of him as a lawyer, 465; appears in the case of Charles Carter against Robert Carter, in Loudon County, 466, etc.; a legal opinion by him, 470; appears in the British debt cause, 471; allusions to him in diary of Richard N. Venable, 476; defence of Holland charged with murder, 480; the turkey case, 482; John Hook case, 483; Andrew Jackson's description of Mr. Henry's oratory at the bar, 486; description by Rev. Conrad Speece, 486; distributes copies of Soame Jennings' Internal Evidences of Christianity, 490; appears for Richard Randolph on charge of infanticide, 491; John Randolph's description of his oratory, 493; description by Rev. Archibald Alexander, 494, etc.; his analysis of his powers of oratory, 499; offer of retainer by Governor Brooke in the manor of Leeds' case, 503; retires from the bar, 504; investments in Georgia, 505, etc.; defeated by Congress, 506; and by Georgia Legislature, 513; homes on Staunton River, 514; happiness in private life, 515; his estimate of his contemporaries, 517; a student of religious books, 519; marriage of two daughters at Red Hill, 521; approves Washington's policy of neutrality, 536; his personal regard for him, 537; opposes French influence in America, 538; is wounded by reported remark of Washington, 539; correspondence between Henry Lee and Washington regarding him, 539, 540; is offered and declines a seat in the United States Senate, 546; also the mission to Spain, 548; is courted by both political parties, 549; personal relations with Washington restored, 550; is offered, and declines, Secretaryship of State, 556; disapproves Jay's treaty, 560; is offered Chief Justiceship, 563; Washington's desire to send him as minister to France, 565; his political position in 1796, 568; declines to be voted for as President, 572; is elected as Governor the sixth time, and declines, 573; deepening of his religious convictions, 575; predicts that Bonaparte will subvert the liberties of France, 576; supports John Marshall for Congress, 593; also Henry Lee, 599; is persuaded by Washington to offer for Virginia Legislature, 605; his

speech at Charlotte Court House, 607; elected to Legislature, 622; offered and declined mission to France, 622; his death, 625; grief manifested, 627; his statue erected by Virginia, 630; his family and will, 631; his parting words to his countrymen, 632; his speeches in the Virginia Convention of 1788, iii. 431, etc.; declares the proposed United States Constitution a consolidated government, 433, 532; criticises section relating to House of Representatives, 437, 455, 472; declares trial by jury endangered, 438, 562, 566; that the States will have no means of defending their rights, 439, 497, 514; that the difficulties of obtaining subsequent amendments will be insuperable, 440, 460, 501; danger of military power vested in general government, 443; the United States Constitution contrary to principles of Virginia Bill of Rights, 441, 447, 459; opposes power of direct taxation, except as a scourge, 449, 470; prefers requisitions, 471, 504, 511; is for liberty first, union next, 449; the Constitution squints toward monarchy, 451; dangerous powers given the President, 452; lack of responsibility in the plan, 454–513; danger of losing the Mississippi, 463, 475, 507, 518, 521; no danger from Maryland, 468; the Holland Confederation, 468; a bill of rights necessary, 473, 508, 544, 545; no danger from France, Spain, or Holland, 476, 477; nor the Indians, 480; other States demand amendments, 482; attack upon Governor Randolph, 484; no sufficient checks in Federal system, 489; arsenals and dockyards to be given up, 494; Congress have the sword and purse, 495–532; may keep their proceedings secret, 496-506; anatomy of the Constitution, 497; no check to war power, 499; danger in the power of Congress over elections, 502; advice of Mr. Jefferson, 505; the State may be sued in the Federal Court, 510; danger of interference between Federal and State judiciaries, 517, 570; Southern States will be oppressively taxed, 520; Congress fixes its own pay, 526; power over militia, 528; power of President less restrained than that of King of England, 531; doctrine of implication, 539, 549, 550; exclusive right over district, 542; restrictions on States, 552; treaty power, 555; impeachment power a sham, 558; jurisdiction of Federal courts improperly extended, 564; criticises proposed form of ratification, 573; the ratification will be complete, the conditions void, 575; emancipation predicted, 576; urges previous amendments which he introduces, 579; no danger in demanding previous amendments, 581; storm scene, 586, 587; tribute to Mr. Innes, 588; closing remarks, 590; argument in trial of British debt cause, 606; debts are subject to forfeiture in wars, 607; *a fortiori* in revolutionary wars, 620; Virginia an independent State before treaty of peace, 626; dissolution of government left us in a state of nature, 631; British debts not revived by the treaty, 637; which was not kept by Great Britain, 638; payment into State treasury under Virginia act a complete discharge, 639; the court forced to take cognizance of infraction of the treaty, 641; answers arguments of his opponents, 644; scene with Mr. Ronald, 647; intense interest in his argument to its close, 648.

Henry, Rev. Patrick, brother of John, settles in Virginia, i. 7; kind conduct to his nephew at trial of Parson's cause, 36; sues for salary, 45.

Henry, Sarah, mother of Patrick, marriage with John Henry, i. 7; a Presbyterian carries Patrick to hear Samuel Davies, 15, 16; a letter from her in 1774, 249; her death and character, ii. 251.

Hillsborough, Lord, disapproves settlements westward, i. 146.

Holland, makes war upon England, ii. 59.

Hooper, William, member of Continental Congress, i. 216.

Hopkins, Stephen, member of Continental Congress, i. 215.

Houdon, Jean Antoine, selected to make statue of Washington, ii. 263; and of Lafayette, 265; execution of his task, 265.

Howe, General Robert, joins Virginia troops near Norfolk in December, 1775, i. 327.

Howe, Sir William, defends himself in Parliament, ii. 3.

Hudson River, ordered by Congress to be fortified, i. 295.

Hughes, John, ascribes opposition to Stamp Act to Mr. Henry's resolutions, i. 99.

Hume, David, advises abandonment of the war, i. 485.

Huntingdon, Countess of, her scheme to civilize the Indians, ii. 273; causes of its failure, 275.

ILLINOIS County established, i. 594.
Independence, Mr. Henry's anticipation of it, i. 207-291; not desired in Colonies till January, 1776, 363, etc.; difficulties surrounding the question, 372; instructions of the people to their delegates in spring of 1776, 373; Virginia's declaration, 391; declaration by Congress, 401, etc.; effect in England, 485; end of war for, ii. 165.
Indiana Company, ii. 76; memorialize Congress and resist Virginia's cession of Northwest territory, 77, etc.; sues Virginia, 96.
Innes, James, advocates ratification of U. S. Constitution, ii. 351; disavows authorship of "Decius," 436.
Iredell, Judge James, sits in British debt cause, ii. 473; his tribute to Mr. Henry's argument, 475.

JAY, SIR JAMES, aids the Countess of Huntingdon in her scheme for civilizing the Indians, ii. 273.
Jay, John, member of Continental Congress, i. 215; tribute to Virginia, 223; commissioner in treating for peace with Great Britain, ii, 178; commissioner to treat with Spanish Minister, 290; proposes to yield free navigation of the Mississippi for thirty years, 290; sits in British debt cause, 473; negotiates treaty with Great Britain, 530.
Jefferson, Thomas, meets Mr. Henry, i. 18; accounts of his examination for license, i. 22; misstatements as to Mr. Henry's practice, 26; as to his being a barkeeper, 27; as to his illiteracy, 28; describes his speeches in House of Burgesses in May, 1765-1776, 82, 83; attributes to him the first impulse to the Revolution, 100; his statement that he could not write refuted, 112; attributes to him the unanimity in Virginia during the Revolution, 134; is elected a Burgess, 136; gives an account of the proceedings touching Committees of Correspondence, 160; of proceedings on reception of Boston Port Bill, 176; writes "Summary View of the Rights of British America," 198; takes his seat in Congress, 300; prepares Declaration of Independence, 404; denies power of Virginia Convention to frame a constitution, 406; proposes a form of constitution, 441; member of Legislature of October, 1776, and moves revision of the laws, 492; carries bill to destroy entails, 493; his account of the struggle in the Legislature over the established Church, 495; leader in Assembly of May, 1777, 520; aids in arranging Clark's expedition against the Northwest, 583; statement as to Governor Henry's purchase of land, 619; prominent in electing Mr. Henry Governor for third term, 621; is elected Governor of Virginia, ii. 39; for second term, 57; warned of British expedition South, 110; conduct during invasion of Arnold, 111; defeated for third term as Governor, 143; writes "Notes on Virginia," 145; resolution of Legislature to inquire into his conduct, 146; disposition of inquiry by next Legislature, 150; wishes to change Virginia Constitution, 233; secures Houdon to make marbles of Washington and Lafayette, 263, etc.; presents bust of Lafayette to Paris on behalf of Virginia, 266; bargain with Hamilton as to Assumption Act, 454; wishes to change Virginia Constitution, 463; sympathy with beginning of French Revolution, 525; with Whiskey insurrection, 533; leads opposition to Washington's second administration, 534; is defeated for presidency by John Adams, 577; his letter to Philip Mazzei, 577; drafts Kentucky resolutions of 1798, 584; gets Madison to draft resolutions for Virginia, 586; attacks Mr. Henry's character, 616.
Jennings, Soame, his book on "Evidences of Christianity" printed and circulated by Mr. Henry, ii. 490.
Johnson, Thomas, member of Continental Congress, i. 216.
Johnston, George, seconds Mr. Henry's resolutions against Stamp Act, i. 79.
Johnston, William, resigns as Burgess, and Mr. Henry fills vacancy, i. 70.
Jones, Joseph, writes to Colonel Woodford about his treatment of Colonel Henry, i. 341.
Jones, Commodore Paul, takes prizes in Irish Channel, ii. 2.
Jouette, Captain John, warns Legislature of Tarleton's raid, ii. 128.

KASKASKIA taken by George Rogers Clark, i. 592.
Kentucky Resolutions of 1798, ii. 584.

LAFAYETTE, MARQUIS, engages in American cause, i. 614; friendship

with Governor Henry, 615; is put in command of Virginia troops, 615; obtains aid from France, ii. 55; commands in Virginia, 112; his caution, 127; with Washington at Yorktown, 162; visits Richmond in 1784, 237; marble busts of him ordered by Virginia, 262; his appreciation, 266; is prosecuted by French Assembly and is imprisoned by the Austrians, 526.

Lamb, General John, writes to Mr. Henry about United States Constitution, ii. 342.

Laurens, Lieutenant-Colonel John, special commissioner to France, ii. 160.

Lear, Tobias, writes about Mr. Henry's influence in Legislature of October, 1788, ii. 433.

Lee, General Charles, urges a Declaration of Independence in May, 1776, i. 383; congratulates Mr. Henry on his election as Governor, 456; repulses attack on Charleston, 460; commands troops to protect New England, 486; is taken prisoner, 487; conduct at Monmouth, ii. 5; is court-martialed, 6.

Lee, Francis Lightfoot, Burgess in 1765, i. 73; letter to him from Mr. Henry about reclamation of the gunpowder, 287.

Lee, General Henry, urges ratification of United States Constitution in Virginia Convention, ii. 351; opposes Hamilton's Assumption Act, 456; commands troops to suppress the Whiskey insurrection, 532; attempts to engage Mr. Henry in Federal administration, 538, etc.

Lee, Richard Henry, writes addresses to King and Lords, i. 61; member of House of Burgesses, 72; meets Mr. Henry, their friendship, 111; takes his seat in Congress, 222; is put on several committees, 224, etc.; his hesitation as to Galloway's plan, 233; his expectation as to success of measures of Congress, 240; statement of condition of America in February, 1775, 253; urges independence in April, 1776, 378; ideas as to a plan of State government, 381; moves independence in Congress, 401; defends himself from charges before Assembly, 525; proposes to cede Northwestern territory to Congress, ii. 12; writes against United States Constitution, 334; is elected United States senator from Virginia, 428; death in 1794, 504.

Lee, Thomas Ludwell, moves section of Virginia bill of rights securing freedom of the press, i. 428.

Lee, William, agent of Virginia in France, ii. 14.

Lewis, Andrew, commands an expedition against the Indians, i. 203; fights battle of Point Pleasants, 204; leads members of Convention of December, 1775, to protect Yorktown, 332; drives Lord Dunmore from Virginia, 459.

Lewis, Charles, commands in expedition against Indians, i. 203.

Lewis, John, advises Patrick Henry to apply for license, i. 20; counsel in Parson's cause, 35.

Littlepage, Lewis, entrusted by Governor Henry with funds to pay Houdon, ii. 267; his remarkable career, 267, etc.

Livingston, Philip, member of Continental Congress, i. 215.

Livingston, R. R., on committee to draft Declaration of Independence, i. 402.

Livingston, William, member of Continental Congress, i. 216.

Lords of Trade, feebleness of, i. 55; call American Convention in 1754, 56.

Lyons, Peter, counsel for plaintiff in Parson's cause, i. 34; account of Mr. Henry at the bar, 48.

Madison, James, member of Convention of May, 1776, i. 387; member of Executive Council, 616; member of Legislature after the Revolution, ii. 184; proposes restriction of ports in Virginia, 216; moves repeal of legislation confiscating British debts, 230; relates anecdote of Mr. Henry as a member of Legislature, 245; fears of Mr. Henry's opposition to the United States Constitution, 324; leads the support of the Constitution in Virginia Convention, 351; his conduct regarding form of Virginia's ratification, 367; pledges himself to advocate subsequent amendments, 371; his powers compared with Mr. Henry's, 375, 376; is defeated for United States Senate by Mr. Henry's opposition, 427; is re-elected to Continental Congress, 432; defeats Monroe for Federal Congress, 441; moves amendments to the Constitution, 442; omits some of the Virginia amendments, 443; opposes Jay's treaty in the House, 531; drafts Virginia resolutions of 1798, 586; denies they meant nullification or secession, 615.

Marshall, John, gives resolutions against Stamp Act in "Life of Washington," i. 91; enters the Virginia troops as a lieutenant, 319; member of Legislature after

the Revolution, ii. 184; advocates Mr. Henry's bill to encourage intermarriages between Indians and whites, 219; speech on motion to call a convention to consider the United States Constitution, 323; urges ratification in convention, 351; accounts for delay in the adoption of the first ten amendments, 457; account of offer of Secretaryship of State to Mr. Henry, 560; sent as a Minister to France, 581; refuses to bribe the Directory, 582; drafts communication vindicating conduct of United States toward France, 589; offers for Congress in the Richmond district, 590; his election favored by Mr. Henry, 593; results of that election, 598.

Marshall, Colonel Thomas, a Burgess in 1765, i. 73; describes Mr. Henry's speech on arming the Colony, 271.

Martin, Colonel Joseph, writes to Governor Henry about the State of Franklin, ii. 378.

Maryland, refuses to sign articles of confederation without cession of western lands, ii. 16; in accord with land companies, 80; deserts them and signs confederation, 88; sends commissioners to Virginia to unite in protecting the trade of the Chesapeake, 176; suggests a commission to regulate commerce for all the States, 235.

Mason, George, first meeting with Mr. Henry, i. 183; description of him by Mr. Jefferson, 311; declines nomination to Congress, 316; makes first draught of Virginia Bill of Rights, 422; and of Constitution, 435; aids in sending out Clark's expedition to the Northwest, 583; drafts Virginia remonstrance against action of Congress as to land companies, ii. 78; letter to Mr. Henry after peace, 184; speech on motion to call a convention to consider United States Constitution, 323; unites with Henry in opposing United States Constitution, 350; charges design to consolidate the government, 357; death in 1792, 504.

Mason, Thompson, Burgess in 1765, i. 73.

Massachusetts, circular letter of 1768, i. 133–135; requests Congress to take charge of the army around Boston, 207.

Massachusettensis describes effect of Mr. Henry's resolutions against Stamp Act, i. 101.

Matthews, General, united with Sir George Collier in expedition against Virginia in 1779, ii. 26.

Maury, Rev. James, clergyman in Louisa County, i. 32; sues for his salary, 34; describes resistance to Stamp Act, 97.

Mazzei, Philip, letter to Mr. Henry, June 26, 1776, i. 376; publishes a letter from Mr. Jefferson, ii. 577.

Mecklenburg, Declaration of, May 20, 1775, discussed, i. 367, etc.

Mercer, Hugh, opposes Mr. Henry for office of colonel of first Virginia regiment, i. 312.

Meredith, Colonel Samuel, account of Patrick Henry's youth, i. 8–16; account of Mrs. Sarah Henry's Christian character and death, ii. 251.

Meredith, Mrs. Jane, tribute to her by Dr. A. Alexander, ii. 502.

Mississippi, its free navigation refused by Spain, ii. 283; attempt by Congress to barter it, 290.

Monroe, James, important letter to Mr. Henry in reference to the Mississippi and disunion, ii. 291; opposes U. S. Constitution, 350; description of conduct of parties in the Convention, 374; experience as Minister to France, 581.

Montgomery, General Richard, his death and debate in Parliament over it, i. 361.

Morgan, General Daniel, his services at Saratoga, i. 531; wins battle of Cowpens, ii. 67.

Morris, Gouverneur, assistant superintendent of finance, ii. 161; his estimate of French character at beginning of Revolution, 524.

Morris, Robert, superintendent of finance, ii. 161.

Munford, Robert, votes for resolutions against Stamp Act, i. 86.

Murray, William Vans, appointed minister to France, ii. 623.

Navigation Acts, passed in days of Cromwell, i. 52; harsh enforcement, 59.

Navy, Virginia, created, i. 477; its services, 479; destroyed by Arnold, 482, ii. 113.

Nelson, Judge Hugh, statement as to Patrick Henry's reading, i. 10.

Nelson, General Thomas, advocates Mr. Henry's motion to arm the Colony in March, 1775, i. 261; moves independence in Convention of May, 1776, 393; carries the resolution to Congress, 400; is elected Governor in June, 1781, ii. 143; enlarged powers vested in him, 151; commands Virginia militia at

Yorktown, 163; resigns his office, 172.
Newport Mercury prints resolutions against Stamp Act, i. 91.
New York claims Northwestern territory, ii. 80; cedes to United States, 80.
Nicholas, George, moves inquiry into conduct of Governor Jefferson in 1781, ii. 143; urges ratification of United States Constitution, 351; scene with Mr. Henry, 355; views as to right of State to secede, 366.
Nicholas, John, attacks Mr. Henry over signature of "Decius," ii. 438.
Nicholas, Robert Carter, Burgess in 1765, i. 73; turns over his practice to Mr. Henry in 1773, 124; opposes Mr. Henry's motion to arm the Colony in March, 1775, 258; on committee to prepare plan, 271; replies to Mr. Henry's offer of Hanover volunteers, 284; opposes independence, 398; upholds established Church, 495.
North, Lord, is made Chancellor of the Exchequer, i. 130; prime minister, 147; moves the repeal of all duties in colonies, except tea, 147; moves conciliatory measures, 273; rejected by Congress, 296; attempts to prevent treaty between France and the United States, 534; despair on surrender of Cornwallis, ii. 165; resigns office, 165; coalition with Fox in opposition to articles of peace, 230.

Oconostota leads Cherokees against Virginia, i. 460.
Oswald, Richard, British commissioner in treating for peace with United States, ii. 177.
Otis, James, rejoices over treaty of 1763, i. 58; controls General Court in 1764, 61; advises submission to Stamp Act, 64; proposes a congress, 65; John Adams' claim for him, 102.

Page, John, Burgess in 1765, i. 73; opposes Governor Dunmore's proclamation in justification of his removal of the gunpowder at Williamsburg, 282; elected a member of the first Executive Council of the State, 445.
Paine, Thomas, author of "Common Sense," i. 371; defeat of resolution to grant him land because of his attack on Virginia's title to Northwest, ii. 239.
Parker, Sir Peter, attacks Charleston, i. 459.
Parliament passes Navigation, Act in 1651, i. 52; taxes sugar and molasses, 59; advises trials of Americans for treason in 1768, 135; attempts to separate Colonies from Massachusetts, 135, 136; irritating measures toward Colonies, 154; authorizes East India Company to export tea to America and collect duty there, 169; orders the port of Boston to be closed, 173; harsh treatment of Massachusetts, 189; extends the government of Canada over the Northwest, 190; sends troops to America, 190; declares Massachusetts in a state of rebellion, 272; great leaders in the debates on American affairs, 360; prohibits trade with the Colonies, 362; suspends Habeas Corpus Act as to Americans, 528; sends commissioners to America to prevent ratification of French treaty, 563; change of feeling as to the war, ii. 59; determines to end the war, on surrender of Cornwallis, 165.
Parson's cause, i. 34–43; jury in it, 37; speech of Patrick Henry, 38–42; description of trial by plaintiff, 39.
Pendleton, Edmund, examines Patrick Henry for license, i. 23; his pronunciation, 28; sketch of him, 72; opposes Henry's resolutions against Stamp Act, 82; as a member of the Committee of Safety distrusts Colonel Henry as a military commander, 333; is blamed for his retirement from service, 356; presides over Conventions of 1775–1776, 388; drafts the resolution for independence, 394–396; opposes Mr. Henry for Governor, 446; upholds the established Church, 495; president of Convention of 1788, 347.
Pennsylvania, dispute with Virginia as to boundary, i. 174; temporary line proposed by Virginia, 449; compromise line agreed on, ii. 58.
Philips, General William, commands British forces in Virginia, ii. 113; his death, 125.
Phillips, Josiah, raises insurrection in Norfolk and Princess Anne Counties, i. 611; is attainted, 612; tried and executed, 613; his case referred to in Convention of 1788, iii. 462.
Pitt, William, prime minister, i. 57; results of his genius, 58; opposed to Stamp Act, 63; urges its repeal, 108; made Earl of Chatham and prime minister, 129; protests against the closing of the port of Boston, 173; opposes American independence, his last appearance, 535.

Pollock, Oliver, his services in aid of Colonel George Rogers Clark, i. 603; his claim paid by Governor Henry, ii. 281.
Pope, Nathaniel, letter to William Wirt about Patrick Henry, i. 9.
Posey, General Thomas, effect of Mr. Henry's speech in Virginia Convention of 1788, upon him, ii. 358.

Randolph, Edmund, statement about resolutions against Stamp Act, i. 91, 100; sketches Patrick Henry as he appeared in 1774, 209; member of Convention of May, 1776, 388; elected Governor of Virginia, ii. 310; urges ratification of United States Constitution, 351; withholds Governor Clinton's letter from the Convention, 363; pledges himself to subsequent amendments, 371; disapproves of attack on Mr. Henry by "Decius," 437; resigns his seat in Washington's cabinet, 553.
Randolph, John, examination of Patrick Henry for license, i. 21; opposes Henry's resolutions against Stamp Act, 82.
Randolph, John, of Roanoke, his description of Mr. Henry's appearance in the British debt cause, ii. 474; his first appearance as a public speaker, 610; opposes Mr. Henry's views, 611; is elected to Congress, 622.
Randolph, Peyton, sketch of him, i. 71.
Raven, The, leads Cherokees against Virginia, i. 460.
Read, Thomas, votes for Henry's resolutions against Stamp Act, i. 86.
Red Hill, last residence of Mr. Henry, description of, ii. 514.
Religious liberty, petition of Hanover Presbytery in 1774, i. 310; principle inserted in Virginia Bill of Rights by Patrick Henry, 430; petition of Baptists of Prince William County as to, 450; struggle after Revolution in relation to church incorporation and assessments to support clergy, ii. 201, etc.
Revolution of 1688, effect on Parliament and the King, i. 56.
Revolution, American, the first impulse given to it by Mr. Henry, i. 79–106; virtually closed by surrender of Cornwallis, ii. 165; its effect in advancing free institutions in the world, 167; compared with French Revolution, 522, etc.
Rhode Island, controlled by agrarian spirits, refuses to send delegates to Federal Convention, ii. 316, 317; adopts United States Constitution, 451.
Roane, John, describes Mr. Henry's speech on arming the Colony, i. 268.
Roane, Spencer, his account of Patrick Henry's reading and library, i. 124; of the effect of his eloquence, 164; member of Legislature after Revolution, ii. 184; his reminiscences of Mr. Henry as a legislator, 240; marriage with Anne Henry, 305; estimate of Mr. Henry as a lawyer, 465; account of his appearance in defence of Holland, 480.
Robertson, David, reports Virginia Convention of 1788, ii. 345; and Mr. Henry's argument in British debt cause, 473
Robertson, Donald, brother of Jean, teacher of James Madison, i. 4.
Robertson, James, a leader in Watauga settlement, i. 460.
Robertson, Jean, mother of John Henry, i. 3.
Robertson, Dr. William, brother of Jean, i. 3.
Robinson, John, speaker of House of Burgesses, i. 71.
Robinson, Rev. William, letter about Mr. Henry to Bishop of London, i. 89.
Rochambeau, Count, commands French troops in America, ii. 70.
Rockingham ministry ends July, 1766, i. 129; again minister, ii. 165.
Rodney, Cæsar, member of Continental Congress, i. 216.
Rogers, Colonel David, his expedition to lower Mississippi, i. 606, etc.
Rush, Dr. Benjamin, engages in plot to supersede Washington, and writes to Governor Henry, i. 551.
Rutledge, Edward, Mr. Henry dislikes his sentiments in the Continental Congress, i. 237; opposes independence, 402.
Rutledge, John, Mr. Henry dislikes his views in the Continental Congress, i. 237; Governor of South Carolina, ii. 7.

Semple, Robert B., relates Mr. Henry's defence of the Baptists, i. 117.
Sevier, John, a leader in Watauga settlement, i. 460; one of the officers at King's Mountain, ii. 65; Governor of the State of Franklin, 276; informs Kentuckians of Spanish plot, 316.
Scotch-Irish, settle in Virginia, i. 74; described, 75.
Shay's rebellion, ii. 317.
Shelburne, Lord, prime minister of England during peace negotiations, ii. 180.
Shelby, Isaac, a leader in Watauga settlement, i. 460.

Shelton, John, father of Sarah, i. 16; moves to Hanover Court House, 27; assisted by Mr. Henry, 120.
Shelton, Sarah, daughter of John, married to Patrick Henry, i. 16; her death in 1775, 318.
Sherman, Roger, member of Continental Congress, i. 215; on committee to draft Declaration of Independence, 402.
Simcoe, General John Graves, sent to Point of Fork to capture stores, ii. 127.
Slavery traffic opposed by Virginia, i. 54; she taxes it in 1766, 112.
Smith, Adam, denounces Navigation Act, i. 52.
Smith, Rev. John Blair, conduct as to Mr. Henry's speech offering for the Convention of 1788, ii. 332.
Smith, Meriwether, his resolution for independence in Convention of May, 1776, i. 395.
South Carolina, her delegates insist on excepting rice from non-exportation in Continental Congress, i. 229; passes Nullification Acts in 1832-1833, ii. 615.
Spain, favorable to American independence in 1776, i. 383; furnishes stores of war to Virginia, 606; proposes settlement between England and America by which the Alleghanies was to be the western boundary, ii. 3; declares war against Great Britain, 5; seizes British posts on Mississippi, 81; her conduct in negotiations for peace, 180; incites Indians to break up Western settlements, 283; attempts to divide the union, 315.
Speece, Rev. Conrad, describes Mr. Henry's appearance in a criminal case, ii. 486.
Stamp Act, proposed in Parliament, i. 60; passed, 63; reception in the Colonies, 66; probable effect of submission, 67; resolutions of Mr. Henry against, 80-97; their effect, 94-96; repeal of act, 110.
Steuben, Baron, appointed inspector-general, i. 561; is placed in charge of stores at Point of Fork, ii. 127; inquiry into his conduct, 144; blamed in campaign of 1781, 144.
Strachey, Henry, British commissioner at treaty of peace, ii. 177.
Stuart, Archibald, member of Legislature after war, ii. 184.
Stuart, John, unites Indians against Virginia, i. 459.
Suffolk, resolutions of, 1774, i. 225.
Sullivan, John, member of Continental Congress, i. 215.
Syme, Colonel John, marries Sarah Winston, i. 1; death, 5.
Syme, John, captured by Tarleton, ii. 128.
Syme, Mrs. Sarah (*née* Winston), marries, i. 1; description of, by Colonel William Boyd, 5; marries John Henry, 7; descendants, 7.

Tarleton, Sir Banastre, sent to Charlottesville to capture Governor and Legislature, ii. 127; his last engagement, 163.
Tayloe, John, member of first Executive Council of Virginia, i. 445.
Taylor, Edmund, votes for Henry's resolutions against Stamp Act, i. 86.
Taylor, John (of Caroline County), his pronunciation, i. 28; prepares report of remonstrance to Congress in March, 1781, ii. 117; charge against Mr. Henry, 155; introduces resolutions of 1798, 588.
Taylor, William, votes for resolutions against Stamp Act, i. 86.
Tazewell, Henry, member of Legislature after the Revolution, ii. 184.
Tea, landing of cargoes resisted in 1773, i. 172.
Thomas, Isaac, informs of Indian hostilities, i. 461.
Thomson, Charles, made secretary of Continental Congress, i. 218; describes Patrick Henry's first speech in Congress, 219.
Ticonderoga, taken by Colonel Ethan Allen, i. 294.
Tobacco, used as currency, i. 29.
Todd, Colonel John, is sent with troops for Kentucky, i. 569; appointed lieutenant-colonel of Illinois, 594.
Townshend, Charles, Chancellor of Exchequer, 129; proposes port duties in America, 130.
Treaty with Great Britain acknowledging independence, ii. 177, etc.; infractions by Great Britain, 230.
Tucker, St. George, describes Mr. Henry's appearance in the General Court, i. 125; and his speech on arming the Colony in March, 1775, 261; describes his speeches in Convention of 1788, ii. 346.
Tyler, Dr. Moses Coit, testimony concerning proof of correctness of Wirt's report of Mr. Henry's speech on arming the Colony, i. 266.
Tyler, Judge John, account of Patrick Henry's examination for license, i. 21; of his motives in stirring up the Revolution, 109; recalls Mr. Henry's speech on arming the Colony in March, 1775, 261; opposes United States Constitution, ii. 350.

VENABLE, RICHARD N., allusions to Mr. Henry in diary, ii. 476, etc.
Vergennes, advises war by France on England, i. 485; French commissioner at treaty of peace, ii. 178.
Vincennes, occupied by Colonel Clark, i. 592.
Virginia, charter of April 10, 1606, i. 49; form of government, 51; first Assembly, 1619, 51; claims sole right to levy taxes, 51; commercial regulations, 52; protests against slave trade, 54; protests against the proposed Stamp Act, 61; expected to submit, 67; character of her people, 74, 75; resolutions against Stamp Act, May, 1765, 80–93; resolutions of 1769, 138; address to the King, 140; asks repeal of acts to raise revenue in Colonies, and to subject them to admiralty jurisdiction, associations against use of tea in 1770, 147; opposed to an American Bishop in 1771, 149; protests against the slave trade in 1772, 150; proposes committees of correspondence, 159; her conduct and leadership in the Revolution approved by other Colonies in 1773, 165–168; proposes to Colonies uniform acts against forging and circulating counterfeit money, 168; action on receiving Boston Port Bill, 177; proposes a congress, and non-commercial intercourse, 179; applauded by the other Colonies as their leader, 185–188; instructs her delegates to congress of 1774, 198; leads the Congress, 242; enlists military companies in 1774, 252; her Convention of March, 1775, 254; prepares for war, 271–274; end of her House of Burgesses, 309; troops ordered in July, 1775, 312; appoints Committee of Safety, 315; generous conduct toward Dunmore and the Tories, 328; toward Scotch immigrants bound for North Carolina, 329; work of Convention of December, 1775, 331; work of Convention of 1776, 390, etc.; sequestrates debts due British subjects, 617; troops furnished Continental army, ii. 9; offers to Congress bounty land northwest of Ohio, 18; ratifies treaty with France, 19; remonstrates against barbarous treatment of prisoners by the British, 32; generous aid to Greene's army, 69; contest with land companies over part of her territory, 76; proposes to cede her Northwestern territory, 86; is willing to yield temporarily navigation of Mississippi to effect treaty with Spain, 87; action of Congress upon her proposed cession, 88, etc.; her claims to the northwest vindicated, 97, etc.; situation in May, 1781, 126; damage by British in 1781, 133; heroism of her people during her invasion, 134, etc.; calls for aid from Congress, Pennsylvania, and Maryland, 138; payments into Continental treasury after war, 215; opposes attempt of Great Britain to monopolize American commerce, 217; response to invitations of Maryland regarding regulation of commerce, 235; orders a marble statue of Washington, 235; protests against occlusion of the Mississippi, 299; delegates selected for Federal Convention, 302; calls a convention to consider the United States Constitution, 324; opposes issue of paper money, 328; adopts United States Constitution and proposes amendments, 373; asks for another Federal Convention, 418; districting the State, 431; urges open sessions of the United States Senate, 458; resolutions of 1798, 586.

WALKER, JOHN, sent as correspondent of Governor Henry at the camp of Washington, i. 488.
Walker, Dr. Thomas, first visit to Kentucky, i. 465.
Wallace, Rev. Caleb, presents petition for religious liberty, i. 493.
Ward, Artemas, commands army at Boston, i. 293.
Ward, Nancy, informs of threatened Indian war, i. 461.
Ward, Samuel, member of Continental Congress, i. 215.
Warren, Joseph, writes Suffolk resolutions of 1774, i. 225; is killed at the Battle of Bunker Hill, 300.
Washington, George, member of House of Burgesses in May, 1765, i. 73; supports Mr. Henry's resolutions against Stamp Act, 87; describes resistance to the Act, 98; speech in Convention of 1774, 198; member of Continental Congress, 216; is made Commander-in-chief, 298; forces British to evacuate Boston, 486; occupies New York, 486; retreats across New Jersey, 487; is invested with more extensive powers, 490; surprises Hessians at Trenton, 490; fights battle of Princeton, 490; battle of Brandywine, 531; and of Germantown, 532; plot to supersede him, 544, etc.; fights battle of Monmouth, ii. 5; difficulty with General Charles

Lee, 5; is depressed in 1779 by depreciation of the currency and corruption of morals, 45; is cheered by change in American affairs, 55; move in Virginia to make him dictator, 147; quells mutinies in his army, 160; marches to siege of Yorktown, 163; writes letter to State governors on the weakness of the Confederation, 224; visits Richmond in interest of internal improvements, 236; corresponds with Governor Henry about stock voted by Legislature and takes his suggestion, 255, etc.; his statue by Houdon, 265; favors scheme of Countess of Huntingdon to civilize the Indians, 274; a delegate to the Federal Convention, 302; is prevailed on by Governor Randolph to attend, 314; is made presiding officer, 317; sends copy of Constitution to Mr. Henry, 319; urges its adoption as preventing anarchy, 334; his influence carries the Constitution, 363–377; fears Mr. Henry will make shipwreck of the Constitution, 415; his policy of neutrality between France and England, 527; signs Jay's treaty, 531; is attacked by Republican journals, 532; puts down the Whiskey insurrection, 532; desires to give Mr. Henry office, 539; disclaims offensive language concerning Mr. Henry, 543; offers him mission to Spain, 548; renews personal relations with him, 550; offers him Secretaryship of State, 556; Chief Justiceship, 564; complains to Jefferson of Republican abuse, 567; declines a third term as President, 571; his confidence in Jefferson shaken by the Mazzei letter, 578; is made Lieutenant-General, and Commander-in-chief of the army on threatened hostilities with France, 583; urges Mr. Henry to offer for Legislature, 601.

Washington, Martha, entertains Henry and Pendleton on their way to Congress, i. 213.

Watauga settlement, i. 460.

Webster, Daniel, conversations with Jefferson about Mr. Henry, i. 22.

Whiskey insurrection, ii. 532.

Wilkinson, General James, opens trade with New Orleans, ii. 315; agrees to carry Mississippi Valley to Spain, 315.

William and Mary restore colonial liberties, i. 55.

Williamsburg *Gazette* prints resolutions against Stamp Act, i. 93.

Wilson, Judge James, member of Congress, i. 292; opposes independence, 402.

Wilson, Rachel, visits Mr. Henry in 1769, i. 117.

Winston, Edmund, describes young Mr. Henry, i. 19.

Winston, Isaac, immigrant, married, father of Sarah, i. 1; Presbyterian, 12.

Winston, Sarah. See Sarah Syme.

Winston, William, brother of Sarah, his eloquence, i. 6.

Winthrop, Robert C., gives account of Governor Barbour's description of Mr. Henry's eloquence, ii., 503.

Wirt, William, biographer of Mr. Henry, i. 19; account given him by Judge Tyler, of Mr. Henry's examination for license, 21; accounts of Mr. Henry given him by Mr. Jefferson, 22; account of Mr. Henry's speech on resolutions against Stamp Act, given by Paul Carrington, 84; describes Mr. Henry as a criminal lawyer, 125; letter from St. George Tucker about Mr. Henry in 1773, 163; gives Mr. Henry's speech on his motion to arm the Colony in March, 1775, 261.

Woodford, General William, colonel of second Virginia regiment, i. 313; unites with Colonel Henry in advising protection of country around Norfolk, 322; commands the forces sent, 326; gains victory at Great Bridge, 327; declines to report to Colonel Henry, 335.

Wythe, George, writes remonstrance to House of Commons, i. 61; sketch of him, 72; opposes Henry's resolutions against the Stamp Act, 82; advocates the motion for independence in Congress, 402; doubts power of Virginia Convention to frame a constitution, 406; aids in sending out Clark's expedition to the Northwest, 583; presides over Convention of 1788 while in committee of the whole, ii. 347; proposes ratification of constitution, 364.

YEARDLEY, GOVERNOR, convenes first Virginia Assembly, i. 51.

Yorktown fortified by Governor Henry, i. 615; occupied by Cornwallis, ii. 133; taken by Washington, 163.